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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

Subchapter B—The Secretary of State

[Foreign Service Reg. S–59]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11, *Designation of differential posts,* is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following September 17, 1949, paragraph (a) is amended by the addition of the following posts:

Kunming, China.
Tsingtao, China.
Villa Arteaga, Colombia.
Entre Rios, Guatemala.

2. Effective as of the beginning of the pay period following September 17, 1949, paragraph (b) is amended by the addition of the following posts:

Kuwait, Kuwait.
Meshed, Iran.
Surabaya, Indonesia.

3. Effective as of the beginning of the pay period following September 17, 1949, paragraph (c) is amended by the deletion of the following posts:

Kunming, China.
Tsingtao, China.

(Sec. 102, Part I, E. O. 10,000. Sept. 16, 1948, 13 F. R. 5453; 3 CFR, 1948 Supp.)

Issued: September 15, 1949.

For the Secretary of State.

[SEAL] JOHN E. PEURIFOY,
Deputy Under Secretary.

[F. R. Doc. 49–7770; Filed, Sept. 26, 1949; 8:49 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1949 C. C. C. Distress Loan Program Bulletin 1]

PART 673—SPECIAL PRICE SUPPORT PROGRAMS

SUBPART—1949 CROP DISTRESS LOAN PROGRAM

This bulletin states the requirements with respect to the 1949-Crop Distress Loan Program formulated by Commodity Credit Corporation (hereinafter referred to as CCC) and the Production and Marketing Administration (hereinafter referred to as PMA). The program will be carried out by PMA under the general supervision and direction of the Manager, CCC, as an adjunct to the 1949-crop grain price support programs. Loans will be made available on grain produced in 1949 in accordance with this bulletin.

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673.101 Administration.
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AUTHORITY: §§ 673.101 to 673.120 issued under sec. 5 (a), Pub. Law 806, 80th Cong., 62 Stat. 1072.

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FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

§ 673.101 *Administration.* In the field, the program will be administered through State PMA committees, county agricultural conservation committees (hereinafter referred to as county committees), and PMA Commodity Offices. Forms will be distributed through the offices of State and county committees. All loan documents will be completed and approved by the county committee, which will retain copies of all such documents. The county committee may designate in writing certain employees of the county agricultural conservation association to approve such forms on behalf of the committee.

§ 673.102 *Availability of loans*—(a) *Area and commodities.* Distress loans will be made on such grains and in such areas as may be designated by the Manager, CCC, on the basis of the recommendations of State PMA committees. The following areas and grains have been designated by the Manager, CCC, as distress loan areas and grains upon which distress loans may be made: Iowa, small grain; Utah, small grain; Tennessee, wheat, oats, barley, rye; California, barley and wheat; Kansas, wheat; New Mexico, wheat; Oklahoma, wheat; Texas, wheat.

(b) *Time.* Loans will be available from June 13, 1949, and ending on such final date as may be determined by the Manager, CCC, for each State. Applicable loan documents must be signed by the producer and delivered to the county committee not later than such final date. In any event, applications for loans must be made within 30 days from the time the producer harvests his crop.

(c) *Source.* Loans will be made through the offices of county committees. They will be disbursed to producers by State PMA Offices by means of sight drafts drawn on CCC or by approved lending agencies.

§ 673.103 *Approved lending agencies.* An approved lending agency shall be any bank, cooperative marketing association, corporation, partnership, individual, or other legal entity with which CCC has entered into a Lending Agency Agreement (Form PMA–97, or other form prescribed by CCC), or a loan servicing agreement.

§ 673.104 *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, or other legal entity producing an eligible commodity in 1949, as landowner, landlord, tenant, or sharecropper.

§ 673.105 *Eligibility of commodities.* The conditions of eligibility for each commodity shall be the same as for that same commodity under the applicable 1949-crop price support program, except that there shall be no requirement for storing commodities for a specified period prior to inspection.

§ 673.106 *Storage.* Distress loans will be made on commodities (a) stored on the ground in the open in localities within the designated areas where State PMA committees determine conditions are such that the commodity may be so stored for short periods, (b) stored in temporary farm-storage facilities, in all localities within the designated areas, if in the opinion of the county committee such facilities are suitable for temporary farm-storage or, (c) stored in emergency storage facilities under the control of CCC.

Distress loans will not be made on grain piled on the ground unless the grain is protected from animals and piled on ground which will afford maximum protection from water damage. In the case of distress loans on grain stored in an emergency storage facility controlled by CCC, the producer must deliver the grain to such facility, or to a point designated by the county committee, at his own expense. If delivery is accepted for rail shipment, the producer shall be required to place the grain in the car.

§ 673.107 *Determination of quantity and quality.* In the case of grain piled on the ground or stored in temporary farm-storage facilities, the quantity will be estimated, but measurements, threshing records, and other guides shall be used to the extent that they are practicable or available. In the case of grain delivered to emergency storage facilities under the control of CCC, the quantity shall be determined either by weight or by measurement in accordance with the provisions of the applicable 1949-crop price support program. The determination of both quantity and quality shall be made at the time the commodity is placed in the storage facility.

Grade and other quality factors will be determined in accordance with the Official Grain Standards of the United States following the same practices as under the applicable 1949-crop price support program.

§ 673.108 *Determination of dockage.* The percentage of dockage shall be determined in accordance with the Official Grain Standards of the United States, and except where the commodity is piled on the ground or stored in temporary farm-storage facilities, the weight of such dockage shall be deducted from the gross weight of the commodity in determining the net quantity available for a distress loan.

§ 673.109 *Liens.* If there are any liens or encumbrances on the commodity, proper waivers must be obtained.

§ 673.110 *Service fees.* The producer shall pay a service fee of 1 cent per bushel on the number of bushels (or, in the case of grain sorghums, 2 cents per 100 pounds on the number of pounds) placed under a distress loan, or $3.00, whichever is greater. State committees are authorized to require prepayment of $3.00 of the service fee. In the case of distress loans made on grain stored on the ground or in temporary farm-storage facilities, if on or before the maturity date of the note, the producer obtains a regular loan, he shall pay an additional service fee of 1 cent per bushel on any number of bushels by which the quantity of grain placed under the regular loan exceeds the number of bushels placed under the distress loan. In cases where a regular loan is obtained on grain under a distress loan stored in emergency storage facilities under the control of CCC, the producer shall not be required to pay any service fee in addition to the service fee he paid on the grain placed under a distress loan. No refund of service fees will be made.

§ 673.111 *Set-offs.* Set-offs shall be made against the proceeds of the distress loan in accordance with the provisions of the applicable 1949-crop price support program.

§ 673.112 *Interest rate.* Distress loans shall bear interest at the rate of 3 percent per annum from the date of disbursement of the loan, notwithstanding the printed provisions of the note.

§ 673.113 *Transfer of producer's equity.* The right of the producer to transfer either his right to redeem the commodity under loan or his remaining interest may be restricted by CCC.

§ 673.114 *Safeguarding of the commodity.* The producer obtaining a distress loan on grain stored on the ground or in temporary farm-storage facilities will take whatever action is practicable to keep the commodity in good condition, and in the event of damage to the commodity, he shall notify the county committee in writing of such damage.

§ 673.115 *Insurance.* CCC will not require the producer to insure the grain placed under a distress loan; however, if the producer does insure such grain, such insurance shall inure to the benefit of CCC to the extent of its interest.

§ 673.116 *Personal liability.* The making of any fraudulent representation by the producer in the loan documents or in obtaining the loan, or the conversion or unlawful disposition of any portion of the commodity by him, shall render the producer personally liable for the amount of the loan and for any resulting expense incurred by any holder of the note.

§ 673.117 *Loan rates.* Loans will be made under this program at 75 percent of the support rate established for the same commodity under the 1949-crop price support program.

§ 673.118 *Maturity of loans*—(a) *Grain stored on ground or in temporary storage.* Loans will be evidenced by promissory notes (secured by chattel mortgages) which will be payable on or before 90 days from date, or earlier on demand.

Producers who build or acquire eligible farm-storage facilities within the loan period shall be eligible for a regular price support loan. The producer may repay his distress loan by payment of cash or from proceeds of the regular loan. Repayments will include: (1) Principal of the distress loan, and (2) interest at 3 percent per annum from date of disbursement to date of repayment, less (1) deterioration credit assumed by CCC for grade and quality deterioration occurring during the loan period, and (2) credit at full support level for the quantity of ineligible grain delivered to CCC.

Producers who do not build or acquire eligible farm-storage facilities shall not be eligible for a regular price support loan and shall be required to repay the principal of the distress loan plus interest at 3 percent per annum from date of disbursement to date of repayment, as follows: (1) By cash, or (2) by delivery of the grain to CCC. Credit shall be given the producer for the quantity and quality of grain (official weight and grade) actually delivered at the market price at time and place of delivery as determined by CCC. If the credit exceeds the total amount due on the loan, the balance shall be paid the producer; however, if the credit is less than the total amount due on the loan, the producer shall be required to pay the deficiency to CCC.

(b) *Grain in emergency storage under control of CCC.* Loans will be evidenced by a promissory note (supported by a CCC Price Support Agreement) payable within 90 days or earlier on demand.

Producers who build or acquire eligible farm-storage facilities within the loan period shall be eligible for a regular price support loan. Repayment of the distress loan may be made by cash or from the proceeds of a regular loan. Repayments will include: (1) Principal of the distress loan, (2) interest at 3 percent per annum from date of disbursement to date of repayment, (3) accrued storage and related charges in accordance with the Uniform Grain Storage Agreement, Form H.

A warehouse receipt shall be given the producer, representing grain, equal in value, at the loan rate provided under the applicable 1949 Price Support Program, to the grain delivered at the point of delivery by the producer.

Producers who do not build or acquire farm-storage facilities within the loan period shall not be eligible for a regular loan; and settlement shall be made for the grain delivered to emergency storage at the market price for the grain at the point of delivery on the final day of the loan period, less (1) principal of the distress loan; (2) interest at 3 percent per annum from date of disbursement to the final day of the loan period; and (3) storage and related charges for one full period under the Uniform Grain Storage Agreement, Form H. If the credit due the producer exceeds the amount due on the loan, the balance shall be paid the producer; however, if the credit is less than the total amount due on the loan, the producer shall be required to pay the deficiency to CCC.

§ 673.119 *Credit for deterioration of the commodity.* In the case of distress loans made on grain stored on the ground or in temporary farm-storage facilities, CCC will not assume shortages in quantity occurring for any reason but will assume deterioration in quality which may occur, without fault or negligence on the part of the producer, during the period of the distress loan, provided the producer builds or acquires eligible farm-storage facilities. In such cases, if the quantity of the commodity remaining eligible for loan has been placed in such eligible farm storage facilities, the producer's account will be credited with an amount equal to the difference between the full support price of such quantity of the commodity at the time it was placed under the distress loan and the full support price of such quantity of the commodity at the time the application for a regular loan is approved. Any quantity of the commodity which, without fault or negligence on the part of the producer, has deteriorated below the lowest eligible loan grade or quality shall be delivered to CCC and the producer's account will be credited with an amount equal to the full support-price of such quantity at the time the distress loan was made.

§ 673.120 *PMA Commodity Offices.* The PMA commodity offices and the areas served by them are shown below:

Address and Area

Atlanta 3, Ga., 449 West Peachtree Street NE.: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia.

Chicago 5, Ill., 623 South Wabash Avenue: Illinois, Indiana, Iowa, Michigan, Ohio.

Dallas 2, Tex., 1114 Commerce Street: Arkansas, Louisiana, New Mexico, Oklahoma, Texas.

Kansas City 6, Mo., Postal Building, 802 Delaware Avenue: Colorado, Kansas, Missouri, Nebraska, Wyoming.

Minneapolis 1, Minn., 328 McKnight Building: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

New York 4, N. Y., 67 Broad Street, Room 1304: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia.

Portland 5, Oreg., 515 Southwest Tenth Avenue: Idaho, Oregon, Washington.

San Francisco 2, Calif., 30 Van Ness Avenue: Arizona, California, Nevada, Utah.

Issued this 20th day of September 1949.

[SEAL] ELMER F. KRUSE,
Manager,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 49-7758; Filed, Sept. 26, 1949; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 992—HANDLING OF IRISH POTATOES GROWN IN WASHINGTON

Sec.
992.0 Findings and determinations.
992.1 Definitions.
992.2 Administrative Committee.
992.3 Expenses and assessments.
992.4 Regulation.
992.5 Shipments for specified purposes.
992.6 Reports.
992.7 Compliance.
992.8 Right of the Secretary.
992.9 Effective time and termination.
992.10 Effect of termination or amendment.
992.11 Duration of immunities.
992.12 Agents.
992.13 Derogation.
992.14 Personal liability.
992.15 Separability.
992.16 Amendments.

AUTHORITY: §§ 992.0 to 992.16 issued under 48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 61 Stat. 202, 707; 7 U. S. C. 601 et seq.; sec. 102, Reorg. Plan 1 of 1947; 12 F. R. 4534.

§ 992.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 61 Stat. 208, 707) and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR 900.1 et seq.; 13 F. R. 8585), a public hearing was held at Yakima, Washington, April 4–5, 1949, upon a proposed marketing agreement and a proposed order regulating the handling of potatoes grown in the State of Washington. Upon the basis of evidence introduced at such hearing, and the record thereof, it is found that:

(1) The terms and provisions of this order prescribe, so far as practicable, such different terms, applicable to different production areas, as are necessary in order to give due recognition to the difference in production and marketing of such potatoes;

(2) This order is limited in its application to the smallest regional production area that is practicable, consistent with carrying out the declared policy of the act, and the issuance of several orders applicable to any subdivision of said production area specified herein would not effectively carry out the declared policy of the act;

(3) This order and all of the terms and conditions of this order will tend to effectuate the declared policy of the act with respect to potatoes as defined in the order by establishing and maintaining such orderly marketing conditions therefor as will tend to establish prices to the producers thereof at a level that will give such potatoes a purchasing power, with respect to the articles that the producers thereof buy, equivalent to the purchasing power of such potatoes in the base period, August 1919–July 1929, and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such potatoes above the level which it is declared in the act to be the policy of

Congress to establish, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such potatoes as will be in the public interest; and

(4) All handling of potatoes, as defined in this order, is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is necessary, in the public interest, to make the effective date of this order not later than September 28, 1949. Any delay beyond such effective date will seriously jeopardize the possibility of attaining orderly marketing of the 1949 crop of Irish potatoes grown in the State of Washington, the marketing of which has already commenced. It is necessary to make this order effective by the aforesaid date so that the State of Washington Potato Committee, the administrative agency provided for in the order, can be organized and start functioning as soon as possible. In this manner, it will be possible for regulations to be formulated and issued so that producers will be in a position to obtain the benefits of this program on as much of their 1949 crop of potatoes as is possible.

Compliance with this order will not require any preparation on the part of handlers and adequate notice will be given by the committee so that handlers will have sufficient time to make any necessary preparations for compliance with rules and regulations which may be issued thereafter. The nature and provisions of the order are well known to handlers of Irish potatoes grown in the State of Washington since the public hearing was held in April 1949, and the recommended decision and final decision were published in the Federal Register on July 14, 1949, and August 11, 1949, respectively. It is hereby found and determined, in view of these facts and circumstances, that good cause exists for making this order effective September 28, 1949, and that it would be contrary to the public interest to delay the effective date of the order for 30 days after publication thereof in the Federal Register (5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that: (1) The marketing agreement regulating the handling of Irish potatoes grown in the State of Washington, upon which the aforesaid public hearing was held, has been executed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping Irish potatoes grown in the aforesaid area) who handled not less than 50 percent of the volume of potatoes covered by the order;

(2) This order regulates the handling of such Irish potatoes in the same manner as, and is made applicable only to the persons in the respective classes of industrial and commercial activity specified in, the aforesaid marketing agreement;

(3) The issuance of this order is favored or approved (i) by at least two-thirds of the producers who participated in a referendum conducted by the Secretary of Agriculture and who, during the representative period (June 1, 1948–May 31, 1949) determined by the Secretary of Agriculture, were engaged, within the production area specified herein, in the production of Irish potatoes for market, and (ii) by producers who participated in the aforesaid referendum, who, during the aforesaid representative period, produced for market, within the production area specified in this order, at least two-thirds of the volume of Irish potatoes produced by all producers who participated in the said referendum.

Order relative to handling. It is hereby ordered, pursuant to the findings and determinations set forth in § 992.0 and pursuant to the aforesaid act, such handling of potatoes, as defined in the order, shall, from and after the time hereinafter specified, be in conformity to and in compliance with the terms and conditions of this order.

§ 992.1 *Definitions.* As used herein, the following terms have the following meaning:

(a) "Secretary" means the Secretary of Agriculture of the United States, or any other officer, or member of the United States Department of Agriculture, who is, or may hereafter be authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

(b) "Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 61 Stat. 202, 707).

(c) "Person" means an individual, partnership, corporation, association, legal representative, or any organized group or business unit.

(d) "Production area" means all territory included within the boundaries of the State of Washington.

(e) "Potatoes" means all varieties of Irish Potatoes grown within the State of Washington.

(f) "Handler" is synonymous with shipper and means any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes.

(g) "Ship" or "handle" means to transport, sell, or any other way to place potatoes in the current of commerce within the production area or between the production area and any point outside thereof: *Provided*, That the definition of "ship" or "handle" shall not include the transportation of potatoes within the production area for the purpose of having such potatoes prepared for market, or stored, except that the committee may impose safeguards, pursuant to § 992.5 (c), with respect to such potatoes.

(h) "Producer" means any person engaged in the production of potatoes for market.

(i) "Fiscal year" means the period beginning on June 1 of each year and ending May 31 of the following year.

(j) "Committee" means the administrative committee, called the State of Washington Potato Committee, established pursuant to § 992.2.

(k) "Varieties" means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

(l) "Seed potatoes" means and includes all potatoes officially certified and tagged, marked or otherwise appropriately identified under the supervision of the official seed potato certifying agency of the State of Washington or other seed certification agencies which the Secretary may recognize.

(m) "Table stock potatoes" means and includes all potatoes not included within the definition of "seed potatoes."

(n) "Wholesale pack" means a unit of fifty pounds net weight or more of potatoes contained in a bag, crate, or any other type of container.

(o) "Consumer pack" means a unit of less than fifty pounds net weight of potatoes contained in a bag, crate, or any other type of container.

(p) "Grade" means any one of the officially established grades of potatoes, and "size" means any one of the officially established sizes of potatoes, as defined and set forth in:

(1) The United States Standards for Potatoes issued by the United States Department of Agriculture (14 F. R. 1955, 2161), or amendments thereto, or modification thereof, or variations based thereon;

(2) United States Consumer Standards for Potatoes as issued by the United States Department of Agriculture on November 3, 1947, effective December 8, 1947 (12 F. R. 7281), or amendments thereto, or modifications thereof, or variations based thereon;

(3) State of Washington Standards for Potatoes issued by the State of Washington Director of Agriculture, or amendments thereto, or modifications thereof, or variations based thereon.

(q) "Export" means shipment of potatoes beyond the boundaries of continental United States.

(r) "District" means each one of the geographical divisions of the production area established pursuant to § 992.2 (h).

§ 992.2 *Administrative committee—* (a) *Establishment and membership.* (1) The State of Washington Potato Committee consisting of fifteen members, of whom ten shall be producers and five shall be handlers, is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(2) An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified.

(b) *Procedure.* (1) Nine members of the committee shall be necessary to constitute a quorum and nine concurring votes will be required to pass any motion or approve any committee action.

(2) The committee may provide for meetings by telephone, telegraph, or other means of communication and any vote cast at such a meeting shall be con-

firmed promptly in writing: *Provided*, That if any assembled meeting is held, all votes shall be cast in person.

(c) *Selection.* (1) Persons selected as committee members or alternates to represent producers shall be individuals who are producers in the respective district for which selected, or officers or employees of a corporate producer in such district, and such persons shall be residents of the respective district for which selected.

(2) Persons selected as committee members or alternates to represent handlers shall be individuals who are handlers in the State of Washington, or officers or employees of a corporate handler in the aforesaid State, and such persons shall be residents of the State of Washington.

(3) The Secretary shall select committee membership so that, during each fiscal period, each district, as designated in paragraph (h) of this section, will be represented by two producer members and one handler member, with their respective alternates: *Provided*, That one producer member of the committee from District No. 5, with his respective alternate, shall be a certified seed producer.

(4) Any person selected by the Secretary as a committee member or as an alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

(d) *Term of office.* (1) The term of office of committee members and alternates shall be for three years beginning on the first day of June and continuing until the end of the second fiscal year following, and until their successors are selected and have qualified: *Provided, however*, That the terms of office of the initial committee shall be determined by the Secretary so that the terms of office of one third of the initial members and alternates shall be for one year, one third for two years, and one third for three years.

(2) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during the term of office and continuing until the end thereof, and until their successors are selected and have qualified.

(e) *Powers.* The committee shall have the following powers:

(1) To administer the provisions hereof in accordance with its terms;

(2) To make rules and regulations to effectuate the terms and provisions hereof;

(3) To receive, investigate, and report to the Secretary complaints of violation of the provisions hereof; and

(4) To recommend to the Secretary amendments hereto.

(f) *Duties.* It shall be the duty of the committee:

(1) At the beginning of each fiscal year, to meet and organize, to select a chairman and such other officers as may be necessary, to select subcommittees of committee members, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(2) To act as intermediary between the Secretary and any producer or handler;

(3) To furnish to the Secretary such available information as he may request;

(4) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(5) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to potatoes, and to engage in such research and service activities which relate to the handling or marketing of potatoes as may be approved by the Secretary.

(6) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(7) To make available to producers and handlers the committee voting record on recommended regulations and on other matters of policy;

(8) At the beginning of each fiscal year, to submit to the Secretary a budget of its expenses for such fiscal year, together with a report thereon;

(9) To cause the books of the committee to be audited by a competent accountant at least once each fiscal year, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant hereto; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(10) To consult, cooperate and exchange information with other potato marketing committees and other individuals or agencies in connection with all proper committee activities and objectives hereunder.

(g) *Expenses and compensation.* Committee members or their respective alternates when acting as members, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers hereunder, and shall receive compensation at a rate to be determined by the committee, which rate shall not exceed $10.00 for each day, or portion thereof, spent in attending meetings of the committee.

(h) *Districts.* (1) For the purpose of determining the basis for selecting committee members, the following districts of the production area are hereby initially established:

District No. 1: The counties of Chelan, Okanogan, Grant, Douglas, Ferry, Stevens, Pend Oreille, Spokane, Lincoln, and Adams;

District No. 2: Kittitas County;

District No. 3: The counties of Yakima and Klickitat;

District No. 4: The counties of Benton, Franklin, Walla Walla, Columbia, Garfield, Asotin, and Whitman; and

District No. 5: All of the remaining counties in the State of Washington not included in Districts 1, 2, 3, and 4 of this section.

(2) The Secretary, upon the recommendation of the committee, may reestablish districts within the production area and may reapportion committee membership among the various districts: *Provided*, That in recommending any such changes in districts or representation, the committee shall give consideration to: (i) The relative importance of new areas of production; (ii) changes in the relative position, with respect to production, of existing districts; (iii) the geographic location of production areas as it would affect the efficiency of administering the marketing agreement and order; and (iv) other relevant factors: *Provided further*, That there shall be no change in the total number of committee members or in the total number of districts.

(i) *Nomination.* The Secretary may select the members of the State of Washington Potato Committee and their respective alternates from nominations which may be made in the following manner:

(1) Nominations for initial members of the committee and their respective alternates may be submitted by producers, handlers, or groups thereof, and such nominations may be by virtue of elections conducted by groups of producers and by groups of handlers.

(2) In order to provide nominations for succeeding committee members and alternates:

(i) The State of Washington Potato Committee shall hold or cause to be held prior to April 1 of each year, after the effective date hereof a meeting or meetings of producers and of handlers respectively in each of the districts designated in paragraph (h) of this section in which the terms of office of committee members, and their respective alternates, will terminate at the end of the then current fiscal year;

(ii) In arranging for such meetings the committee may, if it deems desirable, utilize the services and facilities of existing organizations and agencies;

(iii) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member on the committee which is vacant or which is to become vacant at the end of the then current fiscal year;

(iv) Nominations for committee members and alternate members shall be supplied to the Secretary in such manner and form as he may prescribe, not later than 30 days prior to the end of each fiscal year;

(v) Only producers may participate in designating nominees for producer committee members and their alternates and only handlers may participate in designating nominees for handler committee members and their alternates;

(vi) Each person who is both a handler and a producer may vote either as a handler or as a producer and may elect the group in which he votes; and

(vii) Regardless of the number of districts in which a person handles or produces potatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for committee members and

alternates: *Provided*, That in the event a person is engaged in handling or producing potatoes in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees: *Provided further*, That an eligible voter's privilege of casting only one vote, as aforesaid, shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

(3) If nominations are not made within the time and in the manner specified by the Secretary pursuant to § 992.2 (i) (2), the Secretary may, without regard to nominations, select the committee members and alternates which selection shall be on the basis of the representation provided for herein.

(j) *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a committee member or as an alternate to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term may be selected by the Secretary from nominations made in the manner specified in paragraph (i) (2) of this section, or the Secretary may select such committee member or alternate from previously unselected nominees on the current nominee list from the district involved. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of the representation provided for herein.

§ 992.3 *Expenses and assessments*—(a) *Expenses.* The committee is authorized to incur such expenses as the Secretary finds may be necessary to perform its functions hereunder during each fiscal year and for such other purposes as the Secretary may determine to be appropriate pursuant to the provisions hereof. The funds to cover such expenses shall be acquired by the levying of assessments, as herein provided, upon handlers.

(b) *Assessments.* (1) Each handler who first ships potatoes shall pay to the committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds will be incurred by the committee for its maintenance and functioning during each fiscal year, and for such other purposes as the Secretary may determine to be appropriate pursuant to the provisions hereof. Such handler's pro rata share of such expense shall be equal to the ratio between the total quantity of potatoes handled by him as the first handler thereof, during the applicable fiscal year, and the total quantity of potatoes handled by all handlers as the first handlers thereof, during the same fiscal year. The Secretary shall fix the rate of assessment to be paid by such handlers.

(2) At any time during the fiscal year, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses of the committee. Such increase shall be applicable to all potatoes handled during the given fiscal year. In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

(c) *Accounting.* (1) If, at the end of a fiscal year, it shall appear that assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal year, unless he demands payment thereof, in which event such proportionate refund shall be paid to him.

(2) If, upon termination of the marketing agreement and order program and after reasonable effort by the committee, it is found impossible to return excess funds to handlers, such funds, shall, with the approval of the Secretary, be turned over to an appropriate agency serving potato producers in the production area.

(3) The committee may, with the approval of the Secretary, maintain in its own name or in the name of its members, a suit against any handler for the collection of such handler's pro rata share of the expenses of the committee.

(d) *Funds.* All funds received by the committee pursuant to any provision hereof shall be used solely for the purposes herein specified and shall be accounted for in the following manner:

(1) The Secretary may at any time require the committee and its members to account for all receipts and disbursements; and

(2) Whenever any person ceases to be a committee member or alternate, he shall account for all receipts and disbursements and deliver all property and funds in his hands, together with all books and records in his possession, to his successor in office or to such person as the Secretary may designate, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or in such designated person the right to all the property, funds, or claims vested in such member or alternate.

§ 992.4 *Regulation*—(a) *Marketing policy.* At the beginning of each fiscal year the committee shall prepare and submit to the Secretary a report setting forth its proposed policy for the marketing of potatoes during such fiscal year. In the event it becomes advisable to deviate from such marketing policy, because of changed demand and supply conditions, the committee shall formulate a new marketing policy and shall submit a report thereon to the Secretary. The committee shall make the contents of such reports available to producers and handlers by mail, radio, newspapers, or such other or further means as the committee deems desirable.

(b) *Recommendation for regulations.* (1) It shall be the duty of the committee to investigate supply and demand conditions for grade, size, and quality of potatoes of all varieties. In such investigations, the committee shall give due consideration to the following factors:

(i) Market prices of potatoes, including prices by grade, size and quality in wholesale or in consumer packs, or any other shipping units;

(ii) Potatoes on hand in the market areas as manifested by supplies en route and on track at the principal markets;

(iii) Supply of potatoes, by grade, size and quality, in the State of Washington and other production areas;

(iv) The trend and level of consumer income; and

(v) Other relevant factors.

(2) The committee shall recommend regulation to the Secretary, in accordance herewith whenever it finds, on the basis of the foregoing investigation, that such conditions make it advisable:

(i) To regulate, in any or all portions of the production area, the shipment of particular grades and sizes of any or all varieties of table stock or seed potatoes or both, during any period; or

(ii) To regulate the shipment of particular grades and sizes of potatoes differently for different varieties, for different portions of the production area, for consumer or wholesale packs, for table stock and seed, or any combination of the foregoing, during any period; or

(iii) To regulate the shipment of potatoes by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity.

(c) *Issuance of regulation.* (1) The Secretary shall limit the shipment of potatoes as hereinafter set forth, whenever he finds from the recommendations and information submitted by the committee, or from other available information, that it would tend to effectuate the declared policy of the act;

(i) To regulate, in any or all portions of the production area, the shipment of particular grades and sizes of any or all varieties of table stock or seed potatoes, or both, during any period; or

(ii) To regulate the shipment of particular grades and sizes of potatoes differently for different varieties, for different portions of the production area, for consumer or wholesale packs, for table stock and seed, or any combination of the foregoing, during any period; or

(iii) To regulate the shipment of potatoes by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity.

(2) The Secretary shall notify the committee of any such regulation and the committee shall give reasonable notice thereof to handlers.

(d) *Minimum quantities.* The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which shipments will be free from regulations issued pursuant to § 992.3 and this section.

(e) *Inspection and certification.* During any period in which the Secretary regulates the shipment of potatoes pursuant to the provisions of this section, each handler who first ships potatoes shall, prior to making shipment, cause each shipment to be inspected by an authorized representative of the Federal State Inspection Service or such other inspection service as the Secretary shall designate. Each such handler shall make arrangements with the inspecting agency to forward promptly to the committee a copy of such inspection certificate:

Provided, however, That (1) each handler making shipments of potatoes during such period shall, prior to making such shipment, determine if such shipment has been inspected and if such shipment has not been so inspected and is not covered by an inspection certificate, each handler making such determinations shall have such potatoes inspected and shall arrange for a copy of the inspection certificate to be forwarded to the committee as aforesaid, and (2) each handler who first ships potatoes after such potatoes are regraded, resorted, repacked or in any other way further prepared for market shall have each shipment of such potatoes inspected as provided herein.

(f) *Exemptions.* (1) The committee may adopt, subject to approval of the Secretary, the procedures pursuant to which certificates of exemption will be issued to producers or handlers.

(2) The committee may issue certificates of exemption to any producer who applies for such exemption and furnishes adequate evidence to the committee: (i) That by reason of a regulation issued pursuant to this section he will be prevented from shipping as large a proportion of his production as the average proportion of production shipped by all producers in said applicant's immediate production area, and (ii) that the grade, size or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the producer to ship the amount of potatoes specified thereon. Such certificate shall be transferred with such potatoes at time of sale.

(3) The committee may issue certificates of exemption to any handler who applies for such exemption and furnishes adequate evidence to the committee; (i) that by reason of a regulation issued pursuant to this section he will be prevented from shipping as large a proportion of his storage holdings of ungraded potatoes, acquired during or immediately following the digging season, as the average proportion of ungraded storage holdings shipped by all handlers in said applicant's immediate shipping area, and (ii) that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the handler to ship the amount of potatoes specified thereon. Such certificate may be transferred with such potatoes at time of sale.

(4) The committee shall be permitted at any time to make a thorough investigation of any producer's or handler's claim pertaining to exemptions.

(5) If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant of the final determination and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

(6) The Secretary shall have the right to modify, change, alter, or rescind any procedure and any exemptions granted pursuant to this section.

(7) The committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied, the quantity of potatoes covered by such exemption certificates, a record of the amount of potatoes shipped under exemption certificates, a record of appeals for reconsideration of applications, and such information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the committee upon request of the Secretary.

§ 992.5 *Shipments for specified purposes.* (a) The Secretary upon the basis of recommendations of the committee, or upon the basis of other available information, may modify, suspend, or terminate regulations issued pursuant to § 992.3 or § 992.4, or both, in order to facilitate shipments of potatoes for the purposes specified below, whenever he finds that such actions tend to effectuate the declared policy of the act; adequate safeguards may be established, pursuant to paragraph (c) of this section, to prevent such shipments from entering channels of trade for other than the specified purpose:

(1) Shipments of potatoes for export;

(2) Shipments of potatoes for distribution by the Federal government, for distribution by relief agencies, or for consumption by charitable institutions;

(3) Shipments of potatoes for the purpose of having such potatoes manufactured or converted into specified products or by-products;

(4) Shipments of potatoes for livestock feed or for other specified purposes.

(b) Whenever the shipments of seed potatoes are not subject to the same regulations as shipments of table stock potatoes, issued pursuant to § 992.3 or § 992.4, or both, the committee, with the approval of the Secretary, may prescribe adequate safeguards, pursuant to paragraph (c) of this section, to prevent diversion of such shipment from seed potato channels.

(c) The committee, with the approval of the Secretary, may prescribe adequate safeguards, authorized by paragraphs (a) and (b) of this section, which safeguards may include requirements that:

(1) Handlers shall file applications with the committee to ship potatoes pursuant to this section;

(2) Handlers shall obtain Federal-State inspection provided by § 992.4 (e) and pay the pro rata share of expenses provided by § 992.3, in connection with potato shipments effected under the provisions of this section: *Provided,* That such inspection and payment of expenses may be required at different times than otherwise specified by the aforesaid sections; and

(3) (i) Handlers shall obtain Certificates of Privilege from the committee for shipments of potatoes effected or to be effected under the provisions of this section. The committee with the approval of the Secretary, shall prescribe rules governing the issuance and the contents of such Certificates of Privilege.

(ii) The committee shall make a weekly report to the Secretary showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes shipped under duly issued certificates, and such other information as may be requested by the Secretary. The committee may rescind or deny Certificates of Privilege to any shipper if evidence is obtained that potatoes shipped by him for the purposes stated above have entered the current of interstate or foreign commerce, or have directly burdened, obstructed, or affected such commerce contrary to the provisions hereof.

(d) (1) The Secretary shall give prompt notice to the committee of any modification, suspension, or termination of regulations pursuant to this section, or of any approval issued by him under the provisions of this section.

(2) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

§ 992.6 *Reports.* Upon the request of the committee, with approval of the Secretary, every handler shall furnish to the committee, in such manner and at such time as may be prescribed, such information as will enable the committee to exercise its powers and perform its duties hereunder. The Secretary shall have the right to modify, change, or rescind any requests for reports pursuant to this section.

§ 992.7 *Compliance.* Except as provided herein, no handler shall ship potatoes, the shipment of which has been prohibited by the Secretary in accordance with provisions hereof, and no handler shall ship potatoes except in conformity to the provisions hereof.

§ 992.8 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 992.9 *Effective time and termination*—(a) *Effective time.* The provisions hereof shall become effective at such

time as the Secretary may declare above his signature attached hereto, and shall continue in force until terminated in one of the ways hereinafter specified.

(b) *Termination.* (1) The Secretary may, at any time, terminate the provisions hereof by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(2) The Secretary may terminate or suspend the operation of any or all of the provisions hereof whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions hereof at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal year, have been engaged in the production for market of potatoes: *Provided;* That such majority has, during such year, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced on or before May 31 of the then current fiscal year.

(4) The provisions hereof shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination.* (1) Upon the termination of the provisions hereof, the then functioning members of the committee shall continue as trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(2) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(3) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 992.10 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination hereof or of any regulation issued pursuant hereto, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provisions hereof or any regulation issued hereunder, or (b) release or extinguish any violation hereof or of any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 992.11 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue hereof shall cease upon the termination hereof, except, with respect to acts done under and during the existence hereof.

§ 992.12 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.

§ 992.13 *Derogation.* Nothing contained herein is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 992.14 *Personal liability.* No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.

§ 992.15 *Separability.* If any provision hereof is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder hereof, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 992.16 *Amendments.* Amendments hereto may be proposed, from time to time, by the committee or by the Secretary.

Issued at Washington, D. C., this 21st day of September 1949, to be effective on and after 12:01 a. m., P. s. t., September 28, 1949.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 49-7759; Filed, Sept. 26, 1949; 9:00 a. m.]

PART 994—HANDLING OF PECANS GROWN IN GEORGIA, ALABAMA, FLORIDA, MISSISSIPPI, AND SOUTH CAROLINA

Correction

In Federal Register Document 49-7567, appearing at page 5737 of the issue for Tuesday, September 20, 1949, the nineteenth line of § 994.4 (e) should read: "Any such pecans which are subsequently".

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. SR-337]

PART 4a—AIRPLANE AIRWORTHINESS

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

PART 42—NONSCHEDULED AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 45—COMMERCIAL OPERATOR CERTIFICATION AND OPERATION RULES

PROVISIONAL MAXIMUM TAKE-OFF WEIGHT FOR CERTAIN AIRPLANES UNDER 12,500 POUNDS OPERATED BY ALASKAN AIR CARRIERS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 20th day of September 1949.

The economic and correlative air safety problems involved in aviation operations within the Territory of Alaska have been of especial concern to the Board for some time. As has been pointed out on numerous occasions, the airplane is the most suitable means of transportation in that area and, as a matter of fact, many places therein are entirely dependent on air transportation for communication and supply. On the other hand, the sparsely settled nature of the country renders it necessary at most times to carry sufficient fuel to fly to the destination and return, and also requires the carriage of much emergency gear not required in domestic operations. The additional weight thus required so reduces the payload of the older types of airplanes, which are extensively used in Alaska, as to render their operation economically unfeasible at currently established maximums. We have been advised that strict enforcement of the maximum certificated take-off weight for airplanes, certificated under Aeronautics Bulletin No. 7-A or the normal category of Part 4a, used in Alaska would have the effect of putting so many air carriers out of business as to interfere seriously with the domestic economy of the Territory. This is a situation which we believe to be unique as far as the United States is concerned.

Similarly, operating conditions in Alaska differ from those in other parts of the United States. We are advised that operating conditions in the Territory present several factors which tend toward a high level of safety with respect to airplane performance. For example, it will be noted that all but two airports regularly used in the Territory are located at altitudes below 1,000 feet, that the terrain being traversed is at or near sea level, even the mountain passes being flown have quite a low elevation, and that during a large part of the year the temperature is quite low. These factors mean that airplanes can be flown a large part of the time under optimum performance conditions.

In addition to these factors which are inherent in Alaskan operations, many operators have reinforced the structure

of these older airplanes and have installed more powerful engines, substantially increasing the climb performance of the airplanes as originally type certificated. It should also be noted that the strength requirements of Aeronautics Bulletin No. 7–A and of the normal category of Part 4a require somewhat higher load factors than those currently required for the normal category of Part 3. This difference arises from the fact that the earlier regulations provided for limited acrobatic maneuvers in all airplanes in the lower weight range, whereas Part 3 makes separate provision for those intended for such maneuvers. It appears, therefore, that airplanes in the lower weight brackets designed to comply with the load factors specified in Aeronautics Bulletin No. 7–A and in Part 4a may be expected to have a "strength" margin somewhat greater than would be the case if they were designed to comply with the load factors for the normal category of Part 3, even without the additional strength introduced into the airplanes by some Alaskan operators.

In view of these considerations, the Board finds that it is in the public interest in the development of an air transportation system properly adapted to the present and future needs of the domestic commerce of the Territory of Alaska to permit certain airplanes currently being used in the Territory to be operated at weights in excess of those maximums currently shown in the aircraft operation limitations. The Board finds that the needs of the Territory for air transportation can be met, without an undue decrease in current air safety standards, by a regulation which, within set limits, permits the Administrator to authorize an increase in the maximum certificated weight of airplanes certificated under Aeronautics Bulletin No. 7–A or under the normal category of Part 4a of the Civil Air Regulations under the conditions hereinafter set forth.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby makes and promulgates a Special Civil Air Regulation, effective October 25, 1949, as hereinafter set forth:

1. The Administrator is hereby authorized to establish a maximum authorized weight for airplanes type certificated under the provisions of Aeronautics Bulletin No. 7–A of the Aeronautics Branch of the U. S. Department of Commerce, dated January 1, 1931, as amended, or under the normal category of Part 4a, which are operated entirely within the Territory of Alaska by Alaskan Air Carriers as designated by Part 291 as amended, of the Board's Economic Regulations.

2. The maximum authorized weight herein referred to shall not exceed any of the following:

(a) 12,500 pounds,

(b) 115% of the maximum weight listed in the CAA Aircraft Specification,

(c) The weight at which the airplane meets the positive maneuvering load factor requirement for the normal category specified in § 3.186 of the Civil Air Regulations,

(d) The weight at which the airplane meets the climb performance requirements under which it was type certificated, or

(e) The sum of the following:

(1) The weight empty of the airplane as equipped,

(2) The actual weight of the maximum fuel and oil capacity of the airplane,

(3) The weight of the number of persons for whom seats are provided, computed at 170 pounds per person, and

(4) The weight of the maximum allowable baggage.

3. In determining the maximum authorized weight the Administrator shall also consider the structural soundness of the airplane and the terrain to be traversed in the operation.

4. The maximum authorized weight so determined shall be added to the aircraft's operation limitations and identified as the maximum weight authorized for air carrier operations within the Territory of Alaska.

This regulation shall terminate October 25, 1951, unless sooner superseded or rescinded.

(Secs. 205 (a), 601, 604, 52 Stat. 984, 1007, 1009, 62 Stat. 1216; 49 U. S. C. 425 (a), 551, 554; act of July 1, 1948)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49–7773; Filed, Sept. 26, 1949; 8:50 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 150—ARREST AND DEPORTATION

INTERROGATION OF ALIENS UNDER INVESTIGATION IN CONNECTION WITH DEPORTATION PROCEEDINGS; ADMISSIBILITY AT DEPORTATION HEARINGS OF STATEMENTS MADE DURING INVESTIGATIONS; ADVICE TO ALIENS CONCERNING DISCRETIONARY RELIEF

AUGUST 3, 1949.

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER of June 14, 1949 (14 F. R. 3208), pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) and in which there were stated in full the terms of proposed amendments of the rules relating to interrogation of aliens under investigation in connection with deportation proceedings, admissibility at deportation hearings of statements made during investigation, and advice to aliens concerning discretionary relief. Representations which have been received concerning the proposal have been considered. The rules as stated below are hereby adopted. The provisions of the adopted rules are the same as those stated in the notice of proposed rule making except that the word "shall", wherever it appears in the second and third sentences of § 150.1 (c), has been changed to "should" in order to make those sentences consistent with the obvious meaning of the last sentence of that paragraph. The wording of the last sentence of that paragraph as it appeared in the notice of proposed rule making has been changed for the purpose of clarification.

1. Paragraph (c) of § 150.1, *Investigations*, Chapter I, Title 8 of the Code of Federal Regulations, is hereby amended to read as follows:

(c) *Interrogation of aliens under investigation.* It is desirable that all statements secured from the alien or any other witness during the investigation, which are to be used as evidence, should be taken down in writing; and the investigating officer should ask the person interrogated to sign the statement. Whenever such a recorded statement is to be obtained from any person, the investigating officer should identify himself to such person and the interrogation of that person should be under oath or affirmation. Whenever a recorded statement is to be obtained from a person under investigation he should be warned that any statement made by him may be used as evidence in any subsequent proceeding. The fact that the statements are not taken in accordance with the provisions of this paragraph shall not preclude their being otherwise established in any subsequent proceedings.

2. The second sentence of paragraph (c), *Procedure; notice of charges; right to apply for discretionary relief*, of § 150.6, *Hearing*, is amended to read as follows: "The presiding inspector shall further advise the alien of the provisions of paragraph (g) of this section, concerning applications for the privilege of departure in lieu of deportation or for suspension of deportation under the provisions of section 19 (c) of the Immigration Act of 1917, as amended, in all cases except (1) those in which the alien is charged with being subject to deportation upon one of the grounds mentioned in section 19 (d) of the said act, and (2) those in which the alien was admitted to the United States as a nonimmigrant visitor under section 201 of the United States Information and Educational Exchange Act of 1948 (62 Stat. 7; 22 U. S. C. 1446; Public Law 402—80th Congress.)"

3. Paragraph (i), *Use of statements or admissions made during investigation*, of §150.6, *Hearing*, is revoked.

The rules stated above shall become effective on the thirty-first day following their publication with this order in the FEDERAL REGISTER.

The general purpose of the rules prescribed above is to make available to interested persons a statement explaining how interrogation of aliens and witnesses should be conducted, what evidence shall be admissible and what advice shall be given aliens at deportation hearings. The basis for these rules is the determination, first, that it will facilitate the conduct of investigations and hearings in connection with deportation proceedings, without depriving aliens of any rights, to recommend pro-

cedure for the taking of statements from aliens and witnesses during investigations and to allow such statements although not taken accordingly to be admitted into evidence at deportation hearings; second, that it will expedite the completion of deportation hearings to discontinue giving advice concerning discretionary relief to aliens who are not eligible for such relief.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675; 8 U. S. C. 102, 222, 458 (a))

WATSON B. MILLER,
Commissioner of Immigration and Naturalization.

Approved: September 16, 1949.

PEYTON FORD,
Acting Attorney General.

[F. R. Doc. 49-7763; Filed, Sept. 26, 1949; 8:48 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 169]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

STANDARDS FOR ADJUSTMENTS

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) is amended in the following respects:

1. In the second sentence of the fourth unnumbered paragraph of § 825.5, entitled "Standards for adjustments", the term "maximum rent date" is changed to "maximum rent date for the defense-rental area".

2. In subdivision (ii) of § 825.5 (a) (11), the term "maximum rent date" is changed to "maximum rent date for the defense-rental area".

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d))

This amendment shall become effective September 22, 1949.

Issued this 22d day of September 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-7767; Filed, Sept. 26, 1949; 8:49 a. m.]

[Controlled Housing Rent Reg., Amdt. 170]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 168]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

MISSISSIPPI

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) are amended in the following respects:

1. Schedule A, Item 168, is amended to read as follows:

(168) [Revoked and decontrolled.]

This decontrols (1) the City of Meridian, Lauderdale County, Mississippi, and all unincorporated localities in Lauderdale County, Mississippi, a portion of the Meridian, Mississippi, Defense-Rental Area, based on a resolution submitted for said City of Meridian, in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, said City of Meridian constituting the major portion of said Defense-Rental Area, and (2) the remainder of said Defense-Rental Area, on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d))

This amendment shall become effective September 22, 1949.

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TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-7764; Filed, Sept. 26, 1949; 8:48 a. m.]

[Controlled Housing Rent Reg., New York City Defense-Rental Area, Amdt. 24]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

STANDARDS FOR ADJUSTMENTS

The Controlled Housing Rent Regulation for New York City Defense-Rental Area (§§ 825.21 to 825.32) is amended in the following respects:

1. In the second sentence of the fourth unnumbered paragraph of § 825.25, entitled "Standards for adjustments", the term "maximum rent date" is changed to "maximum rent date for the defense-rental area".

2. In subdivision (ii) of § 825.25 (a) (11), the term "maxmum rent date" is changed to "maximum rent date for the defense-rental area".

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d))

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TIGHE E. WOODS,
Housing Expediter.

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[Controlled Housing Rent Reg., Atlantic County, Amdt. 24]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

STANDARDS FOR ADJUSTMENTS

The Controlled Housing Rent Regulation for Atlantic County Housing Regulation (§§ 825.61 to 825.72) is amended in the following respects:

1. In the second sentence of the fourth unnumbered paragraph of §825.65, entitled "Standards for adjustments", the term "maximum rent date" is changed to "maximum rent date for the defense-rental area".

2. In subdivision (ii) of § 825.65 (a) (11), the term "maximum rent date" is changed to "maximum rent date for the defense-rental area".

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d))

This amendment shall become effective September 22, 1949.

Issued this 22d day of September 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-7769; Filed, Sept. 26, 1949; 8:49 a. m.]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 167]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

ADJUSTMENTS AND OTHER DETERMINATIONS; GENERAL CONSIDERATIONS

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) is amended in the following respects:

1. The unnumbered paragraphs of § 825.85 are amended to read as follows:

§ 825.85 *Adjustments and other determinations; general considerations.* This section sets forth specific standards for the adjustment of maximum rents. In applying these standards and entering orders increasing or decreasing maximum rents, the Expediter shall give full consideration to the correction of inequities in maximum rents and the purposes and provisions of the Housing and Rent Act of 1947, as amended, as well as any previous changes in the maximum rent.

In the circumstances enumerated in this section, the Expediter may issue an order changing the maximum rents otherwise allowable or the minimum space, services, furniture, furnishings or equipment required, except in cases where an order increasing or decreasing the maximum rent on the same facts and grounds was entered under the "Hotel Regulation" issued pursuant to the Emergency Price Control Act of 1942, as amended.

In making adjustments under this section, recommendations of local advisory boards shall be approved within 30 days if appropriately substantiated and in accordance with applicable law and regulations. If any recommendation cannot be acted upon within 30 days the board shall be notified in writing of the reasons therefor. Upon approval or disapproval of any board recommendation, the board shall promptly be notified of such approval or disapproval.

Standards for adjustments. In addition to the adjustment standards which are included in certain subparagraphs

setting forth grounds for adjustment, the standards for adjustments under this section are set forth below. In applying these standards, the Expediter shall, wherever appropriate, give due consideration to general increases in the defense-rental area, since the maximum rent date for the defense-rental area, in all costs of operating and maintaining the housing accommodations, in the cost of providing services, furniture, furnishings and equipment and in the cost of construction or making major capital improvements, except insofar as the landlord has been previously compensated for such cost increases.

(1) *Difference in rental value.* In those cases involving a major capital improvement, an increase or decrease in living space, services, furniture, furnishings or equipment, or a deterioration, the adjustment in the maximum rent shall be the amount the Expediter finds would have been, on the maximum rent date, the difference in the rental value of the housing accommodations by reason of such change: *Provided, however,* That no adjustment shall be ordered where it appears that the rent on the date or during the thirty-day period establishing the maximum rent was fixed in contemplation of and so as to reflect such change: *And provided further,* That in cases involving an increase or decrease in living space or a change from unfurnished to fully furnished, the adjusted maximum rent shall be not less than the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

(2) *Rent generally prevailing.* In cases under paragraphs (a) (6) and (c) (1) of this section, the adjustment shall be on the basis of the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date: *Provided, however,* That in cases under paragraph (a) (6) of this section, the adjustment may be on the basis of the rental agreement in force on the date or during the thirty-day period establishing the maximum rent.

(3) *Seasonal rent cases.* In cases under paragraphs (a) (7), (a) (10) and (c) (4) of this section, the adjustment shall be on the basis of the rents which the Expediter finds were generally prevailing in the defense-rental area for comparable housing accommodations during the year ending on the maximum rent date.

(4) *Correction of error.* In cases under paragraph (g) of this section, the adjustment shall be in the amount necessary to correct the error.

Landlord's certification as to services, etc. Any landlord who files a petition for adjustment under paragraph (a) of this section shall certify that he is maintaining all services, furniture, furnishings and equipment required by this regulation and that he will continue to maintain such services, furniture, furnishings and equipment so long as the adjustment in such maximum rent which may be granted continues in effect.

Effective date of rent increases. In all cases under paragraph (a) of this section the adjustment in the maximum rent shall be effective as of the date of the filing of the landlord's petition.

2. Paragraph (a) (1) of § 825.85 is amended to read as follows:

(1) *Major capital improvement since maximum rent period.* There has been, since the period determining the maximum rent for the room under the "Hotel Regulation" or the date or order determining the maximum rent for the room under either the "Hotel Regulation" or §§ 825.81 to 825.92, inclusive, a substantial change in the room by a major capital improvement, as distinguished from ordinary repair, replacement and maintenance. For purposes of this paragraph (a) (1), the term "major capital improvement" includes any major installation, replacement, addition, betterment or rehabilitation.

3. Paragraph (a) (8) of § 825.85 is amended to read as follows:

(8) *Inequitable rents.* The landlord is suffering an inequity in that (i) the maximum rent for the housing accommodations (other than company housing accommodations, i. e., housing accommodations regularly rented to employees of the landlord) is substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date, or (ii) the landlord has not been compensated for a substantial increase in the costs of operating and maintaining the housing accommodations since the maximum rent date for the defense-rental area. The adjustment under this paragraph (a) (8) shall be in an amount sufficient to relieve the inequity.

4. The first paragraph of § 825.85 (c) (1) is amended to read as follows:

(1) *Rent higher than rent generally prevailing.* The maximum rent for the room is substantially higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date, taking into consideration all relevant factors including any adjustments under § 825.85 (a) which may be applicable.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d))

This amendment shall become effective September 22, 1949.

Issued this 22d day of September 1949.

TIGHE E. WOODS,
Housing Expediter.

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[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., New York City Defense-Rental Area, Amdt. 20]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

ADJUSTMENTS AND OTHER DETERMINATIONS; GENERAL CONSIDERATIONS

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments in the New York City Defense-Rental Area (§§ 825.101 to 825.112) is amended in the following respects:

1. The unnumbered paragraphs of § 825.105 are amended to read as follows:

§ 825.105 *Adjustments and other determinations; general considerations.* This section sets forth specific standards for the adjustment of maximum rents. In applying these standards and entering orders increasing or decreasing maximum rents, the Expediter shall give full consideration to the correction of inequities in maximum rents and the purposes and provisions of the Housing and Rent Act of 1947, as amended, as well as any previous changes in the maximum rent.

In the circumstances enumerated in this section, the Expediter may issue an order changing the maximum rents otherwise allowable or the minimum space, services, furniture, furnishings or equipment required, except in cases where an order increasing or decreasing the maximum rent on the same facts and grounds was entered under the "Hotel Regulation" issued pursuant to the Emergency Price Control Act of 1942, as amended.

In making adjustments under this section, recommendations of local advisory boards shall be approved within 30 days if appropriately substantiated and in accordance with applicable law and regulations. If any recommendation cannot be acted upon within 30 days the board shall be notified in writing of the reasons therefore. Upon approval or disapproval of any board recommendation, the board shall promptly be notified of such approval or disapproval.

Standards for adjustments. In addition to the adjustment standards which are included in certain subparagraphs setting forth grounds for adjustment, the standards for adjustments under this section are set forth below. In applying these standards, the Expediter shall, wherever appropriate, give due consideration to general increases in the defense-rental area, since the maximum rent date for the defense-rental area, in all costs of operating and maintaining the housing accommodations, in the cost of providing services, furniture, furnishings and equipment and in the cost of construction or making major capital improvements, except insofar as the landlord has been previously compensated for such cost increases.

(1) *Difference in rental value.* In those cases involving a major capital improvement, an increase or decrease in living space, services, furniture, furnishings or equipment, or a deterioration, the adjustment in the maximum rent shall be the amount the Expediter finds would have been, on the maximum rent date, the difference in the rental value of the housing accommodations by reason of such change: *Provided, however,* That no adjustment shall be ordered where it appears that the rent on the date or during the thirty-day period establishing the maximum rent was fixed in contemplation of and so as to reflect such change: *And provided further,* That in cases involving an increase or decrease

in living space or a change from unfurnished to fully furnished, the adjusted maximum rent shall be not less than the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

(2) *Rent generally prevailing.* In cases under paragraphs (a) (6) and (c) (1) of this section, the adjustment shall be on the basis of the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date: *Provided, however,* That in cases under paragraph (a) (6) of this section, the adjustment may be on the basis of the rental agreement in force on the date or during the thirty-day period establishing the maximum rent.

(3) *Seasonal rent cases.* In cases under paragraphs (a) (7), (a) (10) and (c) (4) of this section, the adjustment shall be on the basis of the rents which the Expediter finds were generally prevailing in the defense-rental area for comparable housing accommodations during the year ending on the maximum rent date.

(4) *Rent concession cases.* In cases under paragraph (c) (5) of this section the adjustment shall be on the basis of the average rent during the period of occupancy of the lease or other rental agreement in effect on the date determining the maximum rent.

(5) *Correction of error.* In cases under paragraph (g) of this section, the adjustment shall be in the amount necessary to correct the error.

Landlord's certification as to services, etc. Any landlord who files a petition for adjustment under paragraph (a) of this section shall certify that he is maintaining all services, furniture, furnishings and equipment required by this regulation and that he will continue to maintain such services, furniture, furnishings and equipment so long as the adjustment in such maximum rent which may be granted continues in effect.

Effective date of rent increases. In all cases under paragraph (a) of this section the adjustment in the maximum rent shall be effective as of the date of the filing of the landlord's petition.

2. Paragraph (a) (1) of § 825.105 is amended to read as follows:

(1) *Major capital improvement since maximum rent period.* There has been, since the period determining the maximum rent for the room under the "Hotel Regulation" or the date or order determining the maximum rent for the room under either the "Hotel Regulation" or §§ 825.101 to 825.112, a substantial change in the room by a major capital improvement, as distinguished from ordinary repair, replacement and maintenance. For purposes of this paragraph (a) (1) the term "major capital improvement" includes any major installation, replacement, addition, betterment or rehabilitation.

3. Paragraph (a) (8) of § 825.105 is amended to read as follows:

(8) *Inequitable rents.* The landlord is suffering an inequity in that (i) the maximum rent for the housing accommodations (other than company housing accommodations, i. e., housing accommodations regularly rented to employees of the landlord) is substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date, or (ii) the landlord has not been compensated for a substantial increase in the costs of operating and maintaining the housing accommodations since the maximum rent date for the defense-rental area. The adjustment under this paragraph (a) (8) shall be in an amount sufficient to relieve the inequity.

4. The first paragraph of § 825.105 (c) (1) is amended to read as follows:

(1) *Rent higher than rent generally prevailing.* The maximum rent for the room is substantially higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date, taking into consideration all relevant factors including any adjustments under § 825.105 (a) which may be applicable.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d))

This amendment shall become effective September 22, 1949.

Issued this 22d day of September 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-7766; Filed, Sept. 26, 1949; 8:48 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[Regs. 30]

PART 198—VOLATILE FRUIT-FLAVOR CONCENTRATES

1. The act of August 17, 1949 (Public Law 240, 81st Congress) amends subchapter E of chapter 26 of the Internal Revenue Code (Miscellaneous General Provisions Relating to the Tax on Liquors) by adding at the end thereof the following new section:

SEC. 3182. VOLATILE FRUIT-FLAVOR CONCENTRATES.

(a) *Exemption.* The provisions of this chapter (other than sections 2810, 2819, and 2823 and other than sections 2827 to 2830, both inclusive) shall not be applicable with respect to the manufacture, by any process which includes evaporations from the mash or juice of any fruit, of any volatile fruit-flavor concentrate if:

(1) Such concentrate, and the mash or juice from which it is produced, contains no more alcohol than is reasonably unavoidable in the manufacture of such concentrate; and

(2) Such concentrate is rendered unfit for use as a beverage before removal from the place of manufacture; and

(3) The manufacturer thereof keeps such records, renders such reports, files such bonds, and complies with such other rules and regulations with respect to the production, removal, sale, transportation, and use of such concentrate and of the mash or juice from which such concentrate is produced, as the Commissioner, with the approval of the Secretary, may prescribe as necessary for the protection of the revenues imposed by this chapter.

(b) *Control after tax-free manufacture.* If any volatile fruit-flavor concentrate (or any fruit mash or juice from which such concentrate is produced) containing one-half of 1 per centum or more of alcohol by volume, which is manufactured free from tax under the provisions of subsection (a), is sold, transported, or used by any person in violation of the provisions of this chapter or regulations promulgated thereunder, such person and such concentrate, mash, or juice shall be subject to all provisions of this chapter pertaining to distilled spirits and wines, including those requiring the payment of tax thereon; and the person so selling, transporting, or using such concentrate, mash, or juice shall be required to pay such tax.

2. Notice and public procedure under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, are found to be contrary to the public interest in connection with the issuance of these regulations for the reason that certain processors of fruit juices have indicated a desire to produce volatile fruit-flavor concentrates during the current fruit season. Where volatile fruit-flavor concentrates are produced, the manufacturer thereof must, under the law, keep records, render reports, file bonds, and comply with the requirements of the Government with respect to the production, removal, sale, transportation, and use of such concentrate and of the mash or juice from which such concentrate is produced. It is necessary that regulations be prescribed to implement these requirements. If requirements for notice and public procedure were followed, regulations could not be made available to the industry until after the end of the current fruit season. For the same reason, it is found in the public interest to make these regulations immediately effective upon publication.

3. Pursuant to the foregoing provisions of law and sections 2810, 2819, 2823, 2827, 2828, 2829, 2830, and 3809, of the Internal Revenue Code (26 U. S. C., sections 2810, 2819, 2823, 2827, 2828, 2829, 2930, and 3809) regulations 30 (26 CFR, Part 198) are hereby issued, as follows:

SUBPART A—SCOPE OF REGULATIONS

SUBPART B—DEFINITIONS

SUBPART C—LOCATION AND USE

AUTHORITY: §§ 198.1 to 198.123 issued under 53 Stat. 375, 467; 26 U. S. C. 3176, 3791. Interpret or apply 53 Stat. 308, as amended, 314, 316, 317, 318, Pub. Law 271, 81st Cong.; 26 U. S. C. 2810, 2819, 2823, 2827, 2828, 2829, 2930.

LAWS RELATING TO THE PRODUCTION, ETC., OF VOLATILE FRUIT-FLAVOR CONCENTRATES

SEC. 2810. REGISTRY OF STILLS.

(a) *Requirement.* Every person having in his possession or custody, or under his control, any still or distilling apparatus set up, shall register the same with the collector of the district in which it is, by subscribing and filing with him duplicate statements, in writing, setting forth the particular place where such still or distilling apparatus is set up, the kind of still and its cubic contents, the owner thereof, his place of residence, and the purpose for which said still or distilling apparatus has been or is intended to be used; one of which statements shall be retained and preserved by the collector, and the other transmitted by him to the Commissioner. Stills and distilling apparatus shall be registered immediately upon their being set up.

Every still or distilling apparatus not so registered, together with all personal property in the possession or custody, or under the control of such person, and found in the building, or in any yard or inclosure connected with the building in which the same may be set up, shall be forfeited.

And every person having in his possession or custody, or under his control, any still or distilling apparatus set up which is not so registered, shall pay a penalty of $500, and shall be fined not less than $100, nor more than $1,000, and imprisoned for not less than one month, nor more than two years.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

SEC. 2819. PREMISES PROHIBITED FOR DISTILLING.

No person shall use any still, boiler, or other vessel, for the purpose of distilling, in any dwelling house, or in any shed, yard, or inclosure connected with any dwelling house, or on board of any vessel or boat, or in any building, or on any premises where beer, lager beer, ale, porter, or other fermented liquors, vinegar, or ether, are manufactured or produced, or where sugars or sirups are refined, or where liquors of any description are retailed, or where any other business is carried on; or within six hundred feet in a direct line of any premises authorized to be used for rectifying, except that the Secretary is authorized to permit such use for distilling on premises at such lesser distance than six hundred feet as he prescribes, in any case in which he deems that such permission may be granted without danger to the revenue; and every person who does any of the acts prohibited by this section, or aids or assists therein, or causes or procures the same to be done, shall be fined $1,000 and imprisoned for not less than six months nor more than two years, in the discretion of the court, for each such offense: *Provided*, That saleratus may be manufactured, or meal or flour ground from grain, in any building or on any premises where spirits are distilled; but such meal or flour shall be used only for distillation on the premisse: *Prcvided further*, That any boiler used in generating steam or heating water to be used in any distillery, may be located in any other building or on any other premises to be connected with such still or boiling tubs, by suitable pipes or other apparatus, or the steam from such boiler in the distillery may be conveyed to other premises to be used for manufacturing or other purposes.

SEC. 2823. CHANGES IN APPARATUS AND FASTENINGS.

(a) *Power of Commissioner.* The Commissioner is authorized to order and require such changes of or additions to distilling apparatus, connecting pipes, pumps, or cisterns, or any machinery connected with or used in or on the distillery premises, or may require to be put on any of the stills, tubs, cisterns, pipes, or other vessels, such fastenings, locks, or seals as he may deem necessary.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

SEC. 2827. ENTRY AND EXAMINATION OF DISTILLERY.

(a) *Power of revenue officers.* It shall be lawful for any revenue officer at all times, as well by night as by day, to enter into any distillery or building or place used for the business of distilling, or used in connection therewith for storage or other purposes, and to examine, gauge, measure, and take an account of every still or other vessel or utensil of any kind, and of all low-wines, and of the quantity and gravity of all mash, wort, or beer, and of all yeast, or other compositions for exciting or producing fermentation in any mash or beer, of all spirits and of all materials for making or distilling spirits, which may be in any such distillery or premises, or in possession of the distiller.

And whenever any internal revenue officer, or any person called by him to his aid, is hindered, obstructed, or prevented by any distiller or by any workman, or other person acting for such distiller, or in his employ, from entering into any such distillery or building or place as aforesaid; or any such officer is by the distiller, or his workman, or any person in his employ, prevented or hindered from, or opposed, or obstructed, or molested in the performance of his duty under the internal revenue laws, in any respect, the distiller shall forfeit the sum of not exceeding $1,000.

And whenever any officer, having demanded admittance into a distillery or distillery premises, and having declared his name and office, is not admitted into such distillery or premises by the distiller or other person having charge thereof, it shall be lawful for such officer at all times, as well by night as by day, to break open by force any of the doors or windows, or to break through any of the walls of such distillery or premises necessary to be broken open or through, to enable him to enter the said distillery or premises; and the distiller shall forfeit the sum of not exceeding $1,000.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

SEC. 2828. DISTILLERS AND RECTIFIERS TO FURNISH FACILITIES AND GIVE ASSISTANCE FOR EXAMINATION OF PREMISES.

(a) *Power of revenue officers.* On the demand of any internal revenue officer or agent, every distiller or rectifier shall furnish strong, safe, and convenient ladders of sufficient length to enable the officer or agent to examine and gauge any vessel or utensil in such distillery or premises; and shall, at all times when required, supply all assistance, lights, ladders, tools, staging, or other things necessary for inspecting the premises, stock, tools, and apparatus belonging to such person, and shall open all doors, and open for examination all boxes, packages, and all casks, barrels, and other vessels not under the control of the revenue officer in charge, under a penalty of $500 for every refusal or neglect so to do.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

SEC. 2829. INSTALLATION OF METERS, TANKS, AND OTHER APPARATUS.

(a) *Power of the Commissioner.* The Commissioner, with the approval of the Secretary, is authorized to require at distilleries, breweries, rectifying houses, and wherever else in his judgment such action may be deemed advisable, the installation of meters, tanks, pipes, or any other apparatus for the purpose of protecting the revenue, and such meters, tanks, and pipes and all necessary labor incident thereto shall be at the expense of the person on whose premises the installation is required. Any such person refusing or neglecting to install such apparatus when so required by the Commissioner shall not be permitted to conduct business on such premises.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

SEC. 2830. OFFICER'S AUTHORITY TO BREAK UP GROUND OR WALLS.

(a) *Power of revenue agent.* It shall be lawful for any revenue officer, and any person acting in his aid, to break up the ground on any part of a distillery, or premises of a distiller or rectifier, or any ground adjoining or near to such distillery or premises, or any wall or partition thereof, or belonging thereto, or other place, to search for any pipe, cock, private conveyance, or utensil; and, upon finding any such pipe or conveyance leading therefrom or thereto, to break up any ground, house, wall, or other place through or into which such pipe or other conveyance leads, and to break or cut away such pipe or other conveyance, and turn any cock, or to examine whether such pipe or other conveyance conveys or conceals any mash, wort, or beer, or other liquor, which may be used for the distillation of low-wines or spirits, from the sight or view of the officer, so as to prevent or hinder him from taking a true account thereof.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

SEC. 3182. VOLATILE FRUIT-FLAVOR CONCENTRATES.

(a) *Exemption.* The provisions of this chapter (other than sections 2810, 2819, and 2823 and other than sections 2827 to 2830, both inclusive) shall not be applicable with respect to the manufacture, by any process which includes evaporations from the mash or juice of any fruit, of any volatile fruit-flavor concentrate if:

(1) Such concentrate, and the mash or juice from which it is produced, contains no more alcohol than is reasonably unavoidable in the manufacture of such concentrate; and

(2) Such concentrate is rendered unfit for use as a beverage before removal from the place of manufacture; and

(3) The manufacturer thereof keeps such records, renders such reports, files such bonds, and complies with such other rules and regulations with respect to the production, removal, sale, transportation, and use of such concentrate and of the mash or juice from which such concentrate is produced, as the Commissioner, with the approval of the Secretary, may prescribe as necessary for the protection of the revenues imposed by this chapter.

(b) *Control after tax-free manufacture.* If any volatile fruit-flavor concentrate (or any fruit mash or juice from which such concentrate is produced) containing one-half of 1 per centum or more of alcohol by volume, which is manufactured free from tax under the provisions of subsection (a), is sold, transported, or used by any person in violation of the provisions of this chapter or regulations promulgated thereunder, such person and such concentrate, mash, or juice shall be subject to all provisions of this chapter pertaining to distilled spirits and wines, including those requiring the payment of tax thereon; and the person so selling, transporting, or using such concentrate, mash, or juice shall be required to pay such tax.

SEC. 3809. VERIFICATION OF RETURNS; PENALTIES OF PERJURY.

(a) *Penalties.* Any person who willfully makes and subscribes any return, statement, or other document, which contains or is verified by a written declaration that it is made under the penalties of perjury, and which he does not believe to be true and correct as to every material matter, shall be guilty of a felony, and, upon conviction thereof, shall be fined not more than $2,000 or imprisoned not more than five years, or both.

(b) *Signature presumed correct.* The fact that an individual's name is signed to a return, statement, or other document filed shall be prima facie evidence for all purposes that the return, statement, or other document was actually signed by him.

(c) *Verification in lieu of oath.* The Commissioner, under regulations prescribed by him with the approval of the Secretary, may require that any return, statement, or other document required to be filed under any provision of the internal revenue laws shall contain or be verified by a written declaration that it is made under the penalties of perjury, and such declaration shall be in lieu of any oath otherwise required.

SUBPART A—SCOPE OF REGULATIONS

§ 198.1 *Production of volatile fruit-flavor concentrates.* Pursuant to the provisions of section 3182, I. R. C. (Public Law 240, 81st Congress), any volatile fruit-flavor concentrate containing alcohol developed in the processing of such volatile fruit-flavor may be manufactured, stored, sold, distributed, and used, in accordance with these regulations without being subject to the provisions of chapter 26 of the Internal Revenue Code, other than sections 2810, 2819, 2823, and other than sections 2827 to 2830, both inclusive, if:

(a) Such concentrate, and the mash or juice from which it is produced, contains no more alcohol than is reasonably unavoidable in the manufacture of such concentrate; and

(b) Such concentrate is unfit or is rendered unfit for use as a beverage before removal from the place of manufacture; and

(c) The manufacturer thereof keeps such records, renders such reports, files such bonds, and complies with such other rules and regulations with respect to the production, removal, sale, transportation, and use of such concentrate and of the mash or juice from which such concentrate is produced, as the Commissioner, with the approval of the Secretary, may prescribe as necessary for the protection of the revenues imposed by chapter 26 of the Internal Revenue Code.

§ 198.2 *Prohibited operations.* Under the law a manufacturer of volatile fruit-flavor concentrate who violates any of the conditions exempting him from the provisions of chapter 26 of the Internal Revenue Code will subject himself to the taxes and penalties otherwise applicable under that chapter in respect of such operations, and any person who sells, transports, or uses any volatile fruit-flavor concentrate or the mash or juice from which it is produced in violation of chapter 26 of the Code or the regulations promulgated thereunder will subject himself to all the provisions of the chapter pertaining to distilled spirits and wines, including those requiring payment of the tax thereon.

SUBPART B—DEFINITIONS

§ 198.3 *Commissioner.* As used in the regulations in this part, the term "Commissioner" shall mean the Commissioner of Internal Revenue.

§ 198.4 *Concentrate.* As used in the regulations in this part, the term "concentrate" shall mean any volatile fruit-

flavor concentrate produced by any process which includes evaporations from the mash or juice of any fruit.

§ 198.5 *Concentrate plant.* As used in the regulations in this part, the term "concentrate plant" shall mean a factory or plant, for the manufacture, by any process which includes evaporations from the mash or juice of any fruit, of any volatile fruit-flavor concentrate, established and operated under these regulations and as described in the proprietor's notice, Form 27–G.

§ 198.6 *Processing material.* As used in the regulations in this part, the term "processing material" shall mean the fruit juice or mash which is fed to the evaporator for the separation of volatile fruit-flavors from such fruit juice or mash.

§ 198.7 *District Supervisor.* As used in the regulations in this part, the term "district supervisor" or the term "supervisor" shall mean the person having charge of a supervisory district of the Alcohol Tax Unit of the Bureau of Internal Revenue in which the volatile fruit-flavor concentrate plant is located.

§ 198.8 *Flashed juice or mash.* As used in the regulations in this part, the term "flashed juice or mash" shall mean the spent processing material from which the volatile fruit-flavors have been removed.

§ 198.9 *Fold.* As used in the regulations in this part, the term "fold" shall mean the ratio of the volume of a concentrate to the volume of the processing material from which distilled. For example, one gallon of concentrate of 100-fold would be the product from 100 gallons of processing material.

§ 198.10 *Fruit.* As used in the regulations in this part, the term "fruit" shall mean and include all products commonly known and classified as fruit, berries, or grapes.

§ 198.11 *I. R. C.* As used in the regulations in this part, the letters "I. R. C." shall mean the Internal Revenue Code (Public, No. 1, 76th Congress).

§ 198.12 *Person.* As used in the regulations in this part, the term "person" shall be construed to mean and include an individual, a trust, estate, partnership, company, or corporation.

§ 198.13 *Proprietor.* As used in the regulations in this part, the term "proprietor" shall mean the person in whose name notice of the intention to engage in the business of manufacturing volatile fruit-flavor concentrates has been given to the district supervisor.

§ 198.14 *Secretary.* As used in the regulations in this part, the term "Secretary" shall mean the Secretary of the Treasury.

§ 198.15 *Inclusive language.* Words in the plural form shall include the singular, and vice versa, and words in the masculine gender shall include females, a trust, estate, partnership, company, or corporation and the term "include" shall not be deemed to exclude things other than those enumerated which are in the same general class.

Subpart C—Location and Use

§ 198.16 *Restrictions.* Plants for the production of concentrates under the regulations in this part may not be located in any dwelling house, or in any shed, yard, or enclosure connected with any dwelling house, or on board of any vessel or boat, or in any building or on any premises where beer, lager beer, ale, porter, or other fermented liquors, vinegar, or ether, are manufactured or produced, or, except as provided in § 198.20, where sugars or syrups are refined, or where liquors of any description are retailed, or where any other business is carried on; or within six hundred feet in a direct line of any rectifying plant. (Sec. 2819, I. R. C.)

§ 198.17 *Within six hundred feet of a rectifying plant.* No person shall carry on the business of manufacturing volatile fruit-flavor concentrates by any process which includes evaporations from the mash or juice of any fruit at a distance of less than six hundred feet in a direct line from any rectifying plant, except when he has been so authorized by the district supervisor. The district supervisor may grant such authority when he is of the opinion that the revenue will not be endangered thereby. (Sec. 2819, I. R. C.)

§ 198.18 *Special application.* A person desiring to manufacture volatile fruit-flavor concentrates by any process which includes evaporations from the mash or juice of any fruit within six hundred feet of a rectifying plant shall file a special application, in triplicate, for such privilege, with the district supervisor. The application shall state the locations of the concentrate plant and the rectifying plant, the distance between the premises, the name of the proprietor of the rectifying plant, a description of any connecting pipelines, the reason for locating the concentrate plant within six hundred feet of such other premises, and any additional information which the district supervisor may require. The district supervisor will take action on such application in accordance with the procedure prescribed in § 198.84. (Sec. 2819, I. R. C.)

§ 198.19 *Changes requiring approval.* Where there is to be a change in the distance between a concentrate plant and a rectifying plant, located within six hundred feet of each other as a result of the extension or curtailment, or other change in either premises, a new special application, in triplicate, must be filed with the district supervisor, by the proprietor of the premises which is to be extended or curtailed. Where a change occurs in the proprietorship of the concentrate plant or of a rectifying plant, located within six hundred feet of each other, the new proprietor shall file with the district supervisor a new special application, in triplicate. Unless the concentrate plant premises are extended or curtailed as the result of such change, the change may be reflected in the next notice, and plat, filed by the proprietor. Such new special application shall be considered and disposed of in accordance with the procedure prescribed in § 198.84. (Sec. 2819, I. R. C.)

§ 198.20 *Use of premises.* The premises of a concentrate plant shall be used exclusively for the manufacture of concentrates by any process which includes evaporations from the mash or juice of any fruit: *Provided,* That, fruit juice or the flashed juice or mash, which is a by-product of the concentrate process, may be processed, for the purpose of manufacturing a marketable article, on the concentrate plant premises. (Sec. 2819, I. R. C.)

Subpart D—Construction

§ 198.21 *Buildings or rooms.* The concentrate plant must be so constructed and equipped as to be suitable for the production of concentrate, and must be completely separated from contiguous buildings or rooms, which are not used in conjunction with the concentrating process, or the processing of juice and mash or flashed juice and mash, by solid, unbroken partitions, or floors, of substantial construction. Such partitions shall extend from the ground to the roof, or, if a room is used, from the floor to the ceiling: *Provided,* That, necessary openings for the passage of approved pipelines for the conveyance of fruit juice, water, steam, fuel, or similar lines, may be permitted in the walls or partitions.

§ 198.22 *Means of ingress or egress.* Except as provided in § 198.21 the doors and other openings must lead into a yard connected with the concentrate plant, or a public street: *Provided,* That, where a room or floor is used, the door may open into an elevator shaft, or a common passageway partitioned off from other businesses, leading either directly or through another elevator shaft or similar passageway to the street or yard. Where the door of the concentrate plant opens into a common passageway, as provided above, the partition forming the common passageway shall be substantially constructed of solid materials or of expanded metal or woven wire of not less than nine gauge, and not more than 2-inch mesh, and shall extend from the floor to the ceiling or roof, except that doors may be permitted therein. Common passageways must be used exclusively as means of communication. (Sec. 2819, I. R. C.)

§ 198.23 *Distilling department.* A room or rooms must be provided in which shall be located the apparatus and equipment used in processing the fruit juice or mash received on the premises. Such room or rooms shall be known as the distilling department and shall be used exclusively for the processing of fruit juices. A sign must be posted over the door to the distilling department, bearing the words "Distilling Department", and, if more than one room is used, such rooms shall be given alphabetical designations as "A," "B," "C," etc.

Subpart E—Sign

§ 198.24 *Posting of sign.* The proprietor shall place and keep conspicuously on the outside and at the front of the concentrate plant or over the front entrance thereto, where it can be plainly seen, a sign exhibiting in plain

and legible letters, not less than three inches in height and of a proper and proportionate width, the name of the proprietor and the words "Volatile Fruit-Flavor Concentrate Plant No. ____", followed by the registry number assigned by the district supervisor.

SUBPART F—EQUIPMENT

§ 198.25 *Processing material storage tanks.* Each processing material storage tank shall have plainly and legibly painted thereon the words "Processing Material Storage Tank" followed by its serial number and capacity in wine gallons. Such tanks shall be located in the distilling department or in a separate room or building and must be so placed as to be accessible for examination by Government officers. (Sec. 2829, I. R. C.)

§ 198.26 *Distilling apparatus.* The equipment used in the processing of a volatile fruit-flavor concentrate, from the place where steam or heat is first applied and through the vapor-liquid separator, the fractionating column, and the final condenser must have a clear space of not less than two feet around them. Every still or condenser, must be numbered, commencing with the number "1" at the evaporator, and shall have painted thereon its designated use, such as "evaporator," "vapor-liquid separator," etc., and its number. Where the distilling equipment is insulated, or the manufacturer's serial number is otherwise obscured, such number will likewise be painted on the covering of the still.

§ 198.27 *Pipe lines.* The distilling apparatus and equipment must be closed and continuous commencing with the evaporator from which the vapor rises and continuing with securely closed pipe lines to the concentrate receiving tank or other receptacle in which the product is deposited. All such pipe lines must be of a fixed and permanent character, constructed of metal or other suitable material, and so arranged as to be exposed to view throughout their entire lengths. (Sec. 2829, I. R. C.)

§ 198.28 *Details of construction and equipment.* Where details of construction and equipment are not covered by the regulations in this part, such construction and equipment must afford adequate supervision and control. The district supervisor may approve details of construction and equipment in lieu of those specified herein where it is shown that it is impracticable to conform to the prescribed specifications, and the proposed construction and equipment will afford adequate supervision and control. Where it is proposed to substitute construction and equipment for that for which specifications are prescribed, approval of the district supervisor should be first obtained. (Sec. 2829, I. R. C.)

SUBPART G—QUALIFYING DOCUMENTS

§ 198.29 *Notice, Form 27–G.* Every person, before engaging in the business of manufacturing concentrates pursuant to the provisions of section 3182, I. R. C. (Public Law 240, 81st Congress), must file notice on Form 27–G, "Notice by Proprietor of Volatile Fruit-Flavor Concentrate Plant", in triplicate, with the district supervisor. Except as provided in § 198.33, in the case of amended and supplemental notices, all of the information indicated by the lines of the form and the instructions printed thereon, and by the regulations in this part, shall be furnished. Notices on Form 27–G must be filed in accordance with the instructions printed on the form and sworn to before an officer authorized to administer oaths. Such notices must be numbered serially, commencing with "1" and continuing in regular sequence for all notices thereafter filed, whether amended or supplemental.

§ 198.30 *Description of premises.* The notice, Form 27–G shall contain a complete description of the building constituting the concentrate plant, including the height, width, and length, the material of which constructed, and the number of stories. All rooms comprising the concentrate plant shall be described on Form 27–G. The description shall include the designated name of each room, which shall be according to its use, and the dimensions thereof.

§ 198.31 *Description of apparatus and equipment.* There must be described on the Form 27–G the number of tanks, evaporators, separators, stills, condensers, and, if any, receiving and storage tanks, which shall be listed separately as to serial number and capacity in wine gallons. All other regular and permanent equipment must also be described on Form 27–G.

§ 198.32 *Capacity.* The kind, by name of fruit, of processing materials to be used, the maxmium quantity of each kind of processing material that shall be processed in 24 hours, the maximum quantity of concentrates (in wine gallons) that will be produced in 24 hours, and, as to each kind, the minimum and maximum folds to which the volatile fruit-flavors shall be concentrated, and the maximum percent of alcohol to be contained in the concentrates, must be stated on the Form 27–G.

§ 198.33 *Amended and supplemental notices.* Amended and supplemental notices on Form 27–G may be executed in skeleton form, except as to the items amended or supplemented. All other items which are correctly set forth in prior notices, and in which there has been no change since the last preceding notice, may be incorporated in the amended or supplemental notices by reference to the respective notice previously filed. Such incorporation by reference shall be made by entering for each such item in the space provided therefor the statement, "No change since filing Form 27–G, serial number _____", (the number being inserted), and the date of such form.

§ 198.34 *Corporate documents.* There must be submitted with, and made a part of, the original or initial notice on Form 27–G given by a corporation to engage in the business of manufacturing volatile fruit-flavor concentrates, properly certified copies, in triplicate, of the following documents:

(a) Extracts of the minutes of meetings of the board of directors, authorizing certain officers or other persons to sign for the corporation;

(b) A list of the names and addresses of the officers, directors, and stockholders.

§ 198.35 *Power of attorney, Form 1534.* If the notice or other qualifying documents are signed by an attorney in fact for an individual, partnership, association, or corporation, or by one of the members for a partnership or association, or, in the case of a corporation, by an officer or other person not authorized to sign by the corporate documents described in § 198.34, such notice or other qualifying documents must be supported by a duly authenticated copy of the power of attorney conferring authority upon the person filing the document to execute the same. Such powers of attorney shall be executed on Form 1534, in triplicate, and submitted to the district supervisor.

§ 198.36 *Execution of power of attorney.* Where the principal giving the power of attorney is an individual, it must be executed by him in person, and not by an agent. In the case of a copartnership or association, powers of attorney authorizing one or more of the members, or another person, to execute documents on behalf of the copartnership or association must be executed by all of the members constituting the copartnership or association. However, if one or more members less than the whole number constituting the copartnership or association have been delegated the authority to appoint agents or attorneys in fact, the power of attorney may be executed by such member or members, provided it is supported by a duly authenticated copy, in triplicate, of the document conferring authority upon the member or members to execute the same. Where, in the case of a corporation, powers of attorney are executed by an officer thereof, such documents must be supported by triplicate copies of the authorization of such officer so to do, certified by the secretary or assistant secretary of the corporation, under the corporate seal, if any, to be true copies.

§ 198.37 *Duration of power of attorney.* Power of attorney authorizing the execution of documents on behalf of a person engaged in, or intending to engage in, the business of concentrating volatile fruit-flavors shall continue in effect until written notice, in triplicate, of the revocation of such authority is received by the district supervisor, unless terminated by operation of law.

§ 198.38 *Registry of stills, Form 26.* Every person having in his possession or custody, or under his control, any still or distilling apparatus set up, must register the same with the district supervisor for the district in which the still is located, on Form 26, "Registry of Stills," immediately it is set up. The Form 26 shall be executed, in triplicate, in accordance with the requirements of the columns, lines and instructions on the form. (Sec. 2810, I. R. C.)

§ 198.39 *Taxable status of stills.* Stills, when used in the production of concentrates pursuant to the regulations in this part, shall not be subject to special occupational and commodity taxes.

§ 198.40 *Bond, Form 1694.* Every person intending to commence the business of manufacturing volatile fruit-flavor concentrates shall, upon filing his notice of such intention, Form 27–G, and before proceeding with such business, execute a volatile fruit-flavor concentrate manufacturer's bond, Form 1694, in triplicate, in conformity with the provisions of §§ 198.42 to 198.66, and file the same with the district supervisor.

§ 198.41 *Penal sum of bond.* The penal sum of a manufacturer's bond to cover the manufacture of volatile fruit-flavor concentrates shall be $5,000: *Provided however,* That, where, because of the magnitude of the proposed operation or for other good reason, it is the opinion of the district supervisor that additional bond should be required for the protection of the revenue, such additional bond, not to exceed $20,000, may, with the approval of the Commissioner, be required.

SUBPART H—BONDS AND CONSENTS OF SURETY

§ 198.42 *General requirements.* Every person required to file a bond or consent of surety under the regulations in this part, shall prepare and execute it on the prescribed form, in triplicate, in accordance with the regulations in this part and the instructions printed on the form, and shall submit it to the district supervisor.

§ 198.43 *Surety or security.* Bonds required by the regulations in this part shall be given with surety or collateral security.

§ 198.44 *Corporate surety.* Bonds may be given with corporate surety authorized by the Secretary of the Treasury to become surety on Federal Bonds, subject to the limitations prescribed by the Secretary in Treasury Department Form 356, Commissioner of Accounts and Deposits, Section of Surety Bonds, which is issued semiannually, and subject to such amendatory circulars as may be issued from time to time.

§ 198.45 *Two or more corporate sureties.* A bond executed by two or more corporate sureties shall be the joint and several liability of the principal and the sureties: *Provided:* That, each corporate surety may limit its liability in terms upon the face of the bond in a definite, specified amount, which amount shall not exceed the limitations prescribed for such corporate surety by the Secretary, as set forth in Treasury Department Form 356. When the sureties so limit their liability, the aggregate of such limited liabilities must equal the required penal sum of the bond.

§ 198.46 *Powers of attorney.* Powers of attorney and other evidence of appointment of agents and officers to execute bonds on behalf of corporate sureties are required to be filed with, and passed upon by, the Commissioner of Accounts and Deposits, Section of Surety Bonds, Treasury Department. Such powers and other evidence of appointment need not be filed with, or submitted to district supervisors.

§ 198.47 *Individual sureties.* Bonds may be given with individual sureties, of which there must be not less than two, each of whom must qualify by executing Form 33, "Affidavit of Individual Surety on Bond," in triplicate. Individual sureties must be citizens of the United States and reside in the State in which the business of the principal is to be conducted. No person will be accepted as an individual surety in a State in which he is not authorized to become a surety.

§ 198.48 *Ownership of real property.* Each individual surety must own unencumbered real property, in fee simple, the appraised value of which, over and above any exemptions from execution allowed by the laws of the State, is equal to the penal sum of the bond. Such real property must be located within the State where the business of the principal is to be conducted.

§ 198.49 *Description of real property.* The real property must be described in the surety's affidavit, Form 33, with all of the formalities required in conveyances of real estate by the laws of the State in which it is situated.

§ 198.50 *Execution of Form 33.* The surety's affidavit on Form 33 shall contain all of the information required by the regulations in this part and the instructions printed on the form. The form shall be subscribed and sworn to before an officer duly authorized to administer oaths, and one copy thereof shall be attached to each copy of the bond to which it relates.

§ 198.51 *Certificate of title.* There must be submitted with the surety's affidavit, Form 33, a certificate of title, in triplicate, showing that the surety has a fee simple title, free of encumbrances, to the realty described in the form.

§ 198.52 *Appraisal.* There will also be submitted with Form 33 an appraisal, in triplicate, by two or more competent persons designated by the district supervisor for the purpose, showing separately the value of the land and buildings, and a full and clear statement of the method employed by them in determining their valuation. The appraisal shall be at the expense of the principal on the bond, unless it is made by Government officers.

§ 198.53 *Investigation.* The district supervisor must cause an investigation to be made of all the facts stated in the surety's affidavit on Form 33 and supporting documents, and shall forward one copy of the report of such investigation to the Commissioner with the bond and accompanying Form 33.

§ 198.54 *Requalification.* The Commissioner or district supervisor may at any time, in his discretion, require the requalification of individual sureties on Form 33.

§ 198.55 *Interest in business.* The surety, whether individual or corporate, must have no interest whatever in the business covered by the bond.

§ 198.56 *Deposit of collateral.* Bonds or notes of the United States, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States, may be pledged and deposited by principals as collateral security in lieu of individual or corporate sureties.

§ 198.57 *Disposition of collateral by district supervisor.* District supervisors, on receiving such bonds or notes, or other obligations, pledged and deposited by principals as collateral security in lieu of surety, shall deposit such securities as required by Department Circular No. 154, revised (CFR, Part 225).

§ 198.58 *Consents of surety.* Consents of surety to a change in the terms of a bond must be executed on Form 1533, "Consent of Surety to Change in Terms of Bond," in as many copies as are required of the bond which they affect, by the principal and all sureties with the same formality and proof of authority to execute as are required for the execution of bonds. Form 1533 will be used by obligors on collateral bonds as well as those on surety bonds. The Form 1533 must properly identify the bond affected thereby and state specifically and precisely what is covered by the extended terms thereof. If the surety is a corporation, the consent may be executed by an agent or attorney in fact duly authorized so to do by power of attorney filed by the surety with the proper district supervisor, through the office of the Commissioner; or the consent may be executed by the home office officials, of such corporate surety; except that, in cases where the saving of time is an element, the consent may be executed by an agent or attorney in fact where the home office officials, by specific direction, direct and order its execution. A copy of such specific direction should be attached to each copy of such consent.

§ 198.59 *Approval required.* No individual, firm, partnership, corporation, or association intending to commence or to continue the business of producing volatile fruit flavor concentrates shall commence such business until all bonds in respect of such business required by any provision of law have been approved by the district supervisor.

§ 198.60 *Authority to approve.* District supervisors are authorized to approve all bonds required in this part and consents of surety relating thereto.

§ 198.61 *Cause for disapproval.* Bonds or consents of surety submitted by any individual, firm, partnership, corporation, or association, in respect to the business of a manufacturer of volatile fruit-flavor concentrates, may be disapproved if the individual, firm, partnership, corporation, or association giving the same, or owning, controlling, or actively participating in the management of such business of the individual, firm, partnership, corporation, or association giving the same, shall have been previously convicted in a court of competent jurisdiction of:

(a) Any fraudulent noncompliance with any provision of any law of the United States, if such provision relates to internal revenue or customs taxation of distilled spirits, wines, or fermented malt liquors, or if such an offense shall have been compromised with the individual, firm, partnership, corporation, or associ-

ation upon payment of penalties or otherwise; or

(b) Any felony under a law of any State, Territory, or the District of Columbia, or the United States, prohibiting the manufacture, sale, importation, or transportation of distilled spirits, wine, fermented malt liquor, or other intoxicating liquor.

§ 198.62 *Appeal to Commissioner.* Where a bond or consent of surety is disapproved by the district supervisor, the person giving the bond may appeal from such disapproval to the Commissioner.

§ 198.63 *Disapproval of Commissioner final.* The disapproval by the Commissioner of any bond or consent of surety with respect to the commencement or continuance of the business of manufacturing volatile fruit-flavor concentrates shall be final.

§ 198.64 *Additional or strengthening bonds.* In any case where, in the opinion of the district supervisor, the penal sum of the bond on file and in effect is not sufficient, the principal shall give an additional or strengthening bond in a sufficient penal sum, as provided in § 198.41, provided the surety thereon is the same as on the bond already on file and in effect; otherwise, a new bond covering the entire amount required by the district supervisor shall be required. Such additional or strengthening bonds being filed to increase the bond liability of the principal and the surety, they are in no sense substitute bonds, and the district supervisor shall refuse to approve, or recommend the approval of, any additional or strengthening bond where any notation is made thereon intended, or which may be construed, as a release of any former bond, or as limiting the amount of either bond to less than its full penal sum. Additional or strengthening bonds must show the current date of execution and the effective date in the blank spaces provided therefor. Such bonds must have marked thereon, by the obligors at the time of execution, "Additional Bond," or "Strengthening Bond."

§ 198.65 *New bond.* A new bond may be required at any time in the discretion of the Commissioner or district supervisor. A new bond shall be required immediately in the case of the death, removal, or insolvency of an individual surety, or the insolvency of a corporate surety. Executors, administrators, assignees, receivers, trustees, or other persons acting in a fiduciary capacity, continuing or liquidating the business of the principal, must execute and file a new bond or obtain the consent of the surety or sureties on the existing bond or bonds. When, in the opinion of the Commissioner or the district supervisor, the interests of the Government demand it, or in any case where the security of the bond becomes impaired in whole or in part for any reason whatever, the principal will be required to give a new bond. Where a bond is found to be not acceptable, the principal shall be required to file immediately a new and satisfactory bond, or discontinue business forthwith.

§ 198.66 *Superseding bond.* Where a new bond is submitted by the principal to supersede a bond or bonds then in effect, and such superseding bond has been approved, notice of termination of the superseded bond may be issued as provided in §§ 198.100 to 198.104. Superseding bonds must show the current date of execution and the date they are to be effective, and each such bond shall have marked thereon, by obligors at the time of execution, "Superseding Bond."

SUBPART I—PLATS AND FLOW PLANS

§ 198.67 *Plats and flow plans.* Every person intending to engage in the business of concentrating volatile fruit-flavors pursuant to the regulations in this part must submit to the district supervisor with his notice, Form 27–G, an accurate plat of the concentrate plant premises and accurate flow plans of the distilling apparatus and equipment, in triplicate, conforming to the requirements of §§ 198.68 to 198.73.

§ 198.68 *Preparation.* Every plat and flow plan shall be drawn to scale. Each plat and flow plan shall bear a distinctive title, and the complete name and address of the proprietor, enabling ready identification. Each sheet of the original plats and flow plans shall be numbered, the first being designated number "1," and the other sheets numbered in consecutive order. The dimensions of plats and flow plans shall be 15" x 20", outside measurement, with a clear margin of at least 1" on each side of the drawing, lettering, and writing. Plats and flow plans shall be submitted on sheets of good quality white paper, tracing cloth, opaque cloth, or sensitized linen. Plats and flow plans may be original drawings, or reproductions made by the "Ditto Process" or by blue or brown line lithoprint, if such reproductions are clear and distinct.

§ 198.69 *Depiction of premises.* Plats must show the outer boundaries of the concentrate plant premises, in feet and inches, in a color contrasting with those used for other drawings on the plat, and they must contain an accurate depiction of the building or buildings comprising the premises. The depiction of the premises should agree with the description in the notice, Form 27–G. If two or more buildings are to be used, they must be shown in their relative position and the designated name or use of each indicated. Where two or more buildings are used for the same purpose, the name of each such building shall include an alphabetical designation, beginning with "A". All first floor exterior openings of each building on the premises will be shown on the plat. If the concentrate plant consists of a room or a floor of a building, an outline of the building, the precise location and designation of the room or floor and the means of ingress from and egress to a public street or yard shall be shown.

§ 198.70 *Rectifying plant within six hundred feet.* Where a concentrate plant is to be established on premises at a distance of less than six hundred feet in a direct line from a rectifying plant, the plant must show the relative location of such premises, all pipe lines and other connections, if any, between them, and the distance, in feet and inches that they are from each other in a direct line. The outline of the two premises must be shown in contrasting colors. (Sec. 2819, I. R. C.)

§ 198.71 *Contiguous premises.* The plat must show the relative location of any premises on which distilled spirits, wines, beer, lager beer, ale, porter, or other liquors are manufactured or produced, stored, used, or sold, contiguous to the concentrate plant premises, and all pipe lines and other connections, if any, between them, and the distance they are from each other. The outlines of such contiguous premises and the concentrate plant premises must be shown in contrasting colors.

§ 198.72 *Elevational flow plans.* Elevational flow plans (diagrams) shall be submitted covering: (a) Processing material system, (b) distilling system, and (c), if any, the concentrate receiving and storage tank systems. Such flow plans shall clearly depict all equipment in its relative operating sequence, and elevation by floors, with all connecting pipe lines, valves, flanges, measuring devices, etc. The elevation by floors on the flow plans may be indicated by horizontal lines representing floor levels. All of the flow plans as a unit must show the flow of the processing material, and the resulting products, from the processing material feed tank through the evaporators, stills, condensers, sight boxes, and other equipment and the deposit and removal of the finished concentrate from the concentrate receiving tanks, if any. All major equipment, such as tanks, evaporators, stills, condensers, etc., must be identified on these flow plans as to number and use. The elevational flow plans must be so drawn that all fixed pipe lines connected with the distilling system may be readily traced from beginning to end, and the direction of flow through the equipment must be indicated by arrows. Other types of drawings that clearly depict the information required herein may be submitted in compliance with this section.

§ 198.73 *Certificate of accuracy.* The plat and plans shall bear a certificate of accuracy in the lower right-hand corner of each sheet, signed by the proprietor, the draftsman and the district supervisor, substantially in the following form:

(Name of proprietor)

(Address)

Approved: ---
(Date)

(District Supervisor)

Accuracy certified by:

(Name and capacity—for the proprietor)

(Draftsman)

---------- 19 ____. Sheet No. ____

§ 198.74 *Revised plats and plans.* The sheets of revised plats and plans shall bear the same number as the sheets

superseded, but will be given a new date. Any additional plats and plans shall be given a new number in consecutive order, or will be otherwise numbered and lettered in such manner as will permit the filing of the plats and plans in proper sequence.

SUBPART J—REQUIREMENTS GOVERNING CHANGES IN NAME, PROPRIETORSHIP, CONTROL, LOCATION, PREMISES AND EQUIPMENT

§ 198.75 *General requirements.* Where any change in the location, form, capacity, ownership, agency, superintendency, or in the persons interested in the business of operating a concentrate plant, is made, written notice must be given to the district supervisor within 10 days, and in the form prescribed in this subpart.

§ 198.76 *Change in individual, firm, or corporate name.* Where there is a change in the individual, firm, or corporate name of the proprietor, he must comply with the following requirements:

(a) *Notice, Form 27–G.* Submit to the district supervisor, notice on Form 27–G, in triplicate, covering the new name.

(b) *Sign.* Change the concentrate plant sign to conform with the provisions of § 198.24.

(c) *Records.* Keep records covering operations under the new name as provided in §§ 198.115 to 198.120.

§ 198.77 *Change in proprietorship—*

(a) *Suspension.* Where there is to be a change in proprietorship of the concentrate plant, the outgoing proprietor must, preparatory to transfer of the business to the successor, comply with the following requirements:

(1) *Notice, Form 27–G.* If the outgoing proprietor is to discontinue permanently the business of concentrating volatile fruit-flavors, file with the district supervisor Form 27–G, in triplicate, stating thereon the purpose to be "Discontinuance of Business," and giving the date of the discontinuance.

(2) *Registry of stills.* Register the stills "Not for Use" on Form 26, in triplicate, in accordance with the provisions of § 198.106.

(3) *Notice of suspension.* File with the district supervisor a written notice, in triplicate, in accordance with § 198.105.

(4) *Records.* Make appropriate entry in the concentrate plant records in accordance with the provisions of § 198.121.

(b) *Qualification of successor.* Where there is a change in proprietorship, and the successor intends to continue the operation of the concentrate plant, he must comply with the following requirements:

(1) *Non-fiduciary successor.* If the change in proprietor is brought about by any means, except by the appointment of an administrator, executor, receiver, trustee, assignee, or other fiduciary, the successor must qualify in the same manner as the proprietor of a new concentrate plant, except that he may adopt the plat and plans of his predecessor as provided in subparagraph (3) of this paragraph.

(2) *Fiduciary.* If the successor is an administrator, executor, receiver, trustee, assignee, or other fiduciary, and intends to manufacture volatile fruit-flavor concentrates, he must comply with the provisions of §§ 198.29 to 198.41, to the extent that such provisions are applicable. The fiduciary may adopt the plat and plans of the predecessor in accordance with subparagraph (3) of this paragraph. The fiduciary must also furnish certified copies, in triplicate, of the order of the court or other pertinent documents showing the qualification as such fiduciary. The effective date of the qualifying documents filed by a fiduciary must be the same as the date of the court order, or the day specified therein, for him to assume control.

(3) *Adoption of plat and plans.* The plat and plans of the concentrate plant may be adopted by a successor where they clearly describe and depict the premises and the building, apparatus, and equipment thereon, to be taken over by the successor. The adoption by a successor of the plat and plans of a predecessor shall be in the form of a certificate, in triplicate, in which shall be set forth the name of the predecessor, the address and number of the concentrate plant, the number of each sheet comprising each plat and plan covered by such certificate, and a statement that the concentrate plant premises, and the building, apparatus, and equipment thereon, are correctly described and depicted on such plat and plans.

(4) *Sign.* The successor, if other than a fiduciary temporarily operating the concentrate plant, must change the concentrate plant sign to conform to the requirements of § 198.24.

(5) *Materials and concentrates.* If processing materials and concentrates are received by transfer from the predecessor, the successor must comply with the requirements of §§ 198.115 to 198.121.

§ 198.78 *Change in partnership.* The withdrawal of one or more members of a partnership or the taking in of a new partner, whether active or silent, shall constitute a change in proprietorship. Likewise, the bankruptcy or adjudicated insolvency of one or more of the copartners results in a dissolution of the partnership and, consequently, a change in proprietorship. Where such a change in proprietorship occurs, the successor must qualify in the same manner as a new proprietor, except that the successor may adopt the plats and plans of the predecessor, as provided in § 198.77 (b) (3).

§ 198.79 *Changes in stockholders, officers, and directors of corporations.* The sale or transfer of the capital stock of a corporation operating a concentrate plant does not constitute a change in the proprietorship of such plant. However, where the sale or transfer of capital stock results in a change in the control or management of the business, or where there is a change in the officers or directors, the proprietor, within 10 days, must give notice thereof, in triplicate, to the district supervisor. Mere change in stockholders of corporations not constituting a change in control need not be so reported.

§ 198.80 *Reincorporation.* Where a corporation operating a concentrate plant is reorganized and a new charter or certificate of incorporation is secured, the new corporation must qualify in the same manner as a new proprietor of the concentrate plant, except that the new corporation may adopt the plat and plans of the predecessor, as provided in § 198.77 (b) (3).

§ 198.81 *Change in the location of the concentrate plant.* The proprietor must comply with the applicable provisions of §§ 198.16 to 198.73, where there is a change in location.

§ 198.82 *Change in premises.* Where the concentrate plant premises are to be extended or curtailed, and prior to the use of the extended or curtailed premises, the proprietor must file with the district supervisor an amended notice, Form 27–G, and an amended plat of the premises as extended or curtailed. If the plans are affected by the extension or curtailment they also must be amended.

§ 198.83 *Changes in equipment.* Where changes are to be made in the apparatus and equipment of the distilling department, which changes would affect the accuracy of the notice, plat, or plans, the proprietor shall first secure approval thereof by the district supervisor pursuant to application, in triplicate, setting forth specifically the proposed changes: *Provided,* That, emergency repairs may be made without prior approval of the district supervisor. Where such emergency repairs are made, the proprietor shall file immediately a report thereof, in triplicate, with the district supervisor. Upon completion of changes in equipment, where such changes affect the accuracy of the notice, plats, or plans, the proprietor must file an amended notice and amended plans, except that, in the case of minor changes such as general repairs, changes in pipe lines, or the addition or removal of a tank, an amended notice and amended plans need not be filed immediately: *Provided,* That the Commissioner or district supervisor may, at any time, in his discretion require the filing of an amended notice and amended plans covering such minor changes. Where an amended notice and amended plans are not filed immediately upon completion of minor changes in equipment, the proprietor must include such changes in the next amended notice and plans filed by him.

SUBPART K—ACTION BY DISTRICT SUPERVISOR

ORIGINAL ESTABLISHMENTS

§ 198.84 *Special application.* Where a special application for permission to operate a concentrate plant within six hundred feet of a rectifying plant is submitted, and such special application conforms to the requirements of this part, the district supervisor will cause an inspection to be made to determine whether the proposed operation of the concentrate plant within six hundred feet of the rectifying plant may be permitted without jeopardy to the revenue. The inspector will ascertain whether the application accurately describes the relative location of the two premises and all pipe lines and other connections, if any,

between such premises. The inspector will also observe the surroundings, including all streets, roads, and driveways connecting the two premises, and any condition which might endanger the revenue, and will describe the same in his report. If the district supervisor finds, upon consideration of the inspection report, that the concentrate plant may be operated at the designated location without danger to the revenue, he will note his approval on all copies of the special application. He will then return one copy of the approved application to the applicant, retain the original for his files, and forward the remaining copy, together with a copy of the inspection report, to the Commissioner. Approval of the special application pertains to the location of the concentrate plant only, and does not authorize the operation thereof. The concentrate plant may not be operated until the other qualifying documents required by law and this part have been approved by the district supervisor. If the special application is disapproved, the district supervisor will note his disapproval thereon and will return all copies of such application to the applicant, with advice as to the reasons for disapproval. (Sec. 2819, I. R. C.)

§ 198.85 *Examination of qualifying documents.* Upon receipt of notice, plat, plans, bond, and other documents required by the regulations in this part, of persons intending to engage in the business of producing volatile fruit-flavor concentrates, the district supervisor shall examine the same to determine whether they have been properly executed, and whether they reflect compliance with the requirements of the law and regulations. Where any required document has not been filed, or where errors or discrepancies are found in those filed, or where the documents filed do not reflect compliance with the regulations in this part, action thereon will be held in abeyance until the omission or material errors or discrepancies, have been rectified, and there has been full compliance with all requirements.

§ 198.86 *Inspection of premises.* Where the required documents have been filed in proper form, the district supervisor shall assign an inspector to examine the premises, buildings, apparatus, and equipment, and determine whether they conform with the description thereon in the notice, plat and plans, and whether the apparatus and equipment, and measures of protection to the revenue afforded meet the requirements of the law and regulations. The inspector shall observe particularly the manner in which the rooms or buildings on the premises are separated from other premises, or other rooms or buildings, the means of communication, of ingress and egress, and the construction of the distilling apparatus and equipment. Where the inspection discloses minor irregularities in the qualifying documents, or in construction, the inspector shall, at the time of the discovery, direct the attention of the proprietor to such irregularities in order that the proprietor may correct the discrepancies before completion of the inspection. Upon completion of the inspection, a report thereof shall be submitted to the district supervisor.

§ 198.87 *Inaccurate documents.* Where the district supervisor's examination, or the inspector's report, discloses discrepancy in the qualifying documents, the inaccurate or incomplete documents shall be returned to the proprietor for correction. A record of any bonds so returned shall be maintained.

§ 198.88 *Defective construction.* Where it is found that the construction of the distilling apparatus or equipment does not conform to the requirements of the law and regulations, the district supervisor shall inform the proprietor concerning the defects, and further action must be held in abeyance pending correction thereof.

§ 198.89 *Bonds and consents of surety.* All bonds and consents of surety required to be filed by manufacturers of concentrates shall be approved or disapproved by the district supervisor.

§ 198.90 *Inquiry by district supervisor.* Before approving any bond or consent of surety given by any individual, firm, partnership, corporation, or association, in respect to the business of a concentrate manufacturer, the district supervisor shall make such inquiry or investigation as may be deemed necessary to ascertain whether such individual, firm, partnership, corporation, or association, or any person owning, controlling, or actively participating in the management of the business has been convicted of, or has compromised, an offense of the nature specified in § 198.61.

§ 198.91 *Approval of bond.* If the district supervisor finds that the person seeking to qualify as a proprietor has complied in all respects with the requirements of law and the regulations in this part, he shall note his approval on all copies of the bond, and his approval on all copies of the notice, plat, and plans.

§ 198.92 *Disapproval of qualifying documents.* If the district supervisor finds that the applicant has not complied in all respects with the requirements of the law and regulations, or that the individual, firm, partnership, corporation, or association intending to commence business as a manufacturer of concentrates, or any person owning, controlling, or actively participating in the management of such business, has been convicted of, or has compromised, an offense of the nature specified in § 198.61, or, if he finds that the situation of the premises is in other respects such as would enable the proprietor to defraud the United States, he shall disapprove the bond, notice, plat, plans, and other documents.

§ 198.93 *Appeal to Commissioner.* Where a bond or consent of surety is disapproved by the district supervisor, and an appeal is taken to the Commissioner, the district supervisor shall furnish the Commissioner with full information respecting the disapproval, stating the nature of the offense, the names of the offenders, the date of conviction, or the date of acceptance of an offer in compromise, and all other reasons for his action. The Commissioner will grant a hearing in the matter if the parties so request at the time appeal is taken from the action of the supervisor.

§ 198.94 *Disposition of qualifying documents.* Where the bond or consent of surety is approved by the district supervisor, he shall assign a registry number to the concentrate plant, in accordance with the provisions of § 198.95, and shall forward the original copy of the bond, and the original copies of the notice, plat, plans, and other qualifying documents, together with a copy of all inspection reports, to the Commissioner, return one copy of the bond, notice, plat, plans, and other qualifying documents to the proprietor, retain one copy of each such qualifying document for the file of the proprietor, and authorize the proprietor to commence operations. If the bond or consent of surety is disapproved by the district supervisor, all copies thereof shall be returned to the principal, and the surety or sureties shall be notified of such action. The district supervisor shall promptly advise the Commissioner fully regarding the disapproval of any bond. If the bond or consent of surety has been disapproved, the district supervisor shall return all copies of other qualifying documents to the proprietor with advice as to the reasons for disapproval.

§ 198.95 *Registry numbers.* Concentrate plants will be numbered serially in the order of their establishment. A separate series shall be used for each State. Registry numbers assigned to discontinued concentrate plants will not be reassigned to other concentrate plants. The same registry number shall be continued whenever there is a change of proprietorship.

CHANGES SUBSEQUENT TO ESTABLISHMENT

§ 198.96 *Procedure applicable.* The provisions of §§ 198.84 to 198.95, respecting the action required of district supervisors in connection with the establishment of concentrate plants shall be followed, to the extent applicable, where there is a change in the individual, firm, or corporate name of the proprietor, or where there is a change in the proprietorship, location of premises, distilling apparatus and equipment, of the concentrate plant, or where operations are permanently discontinued.

CONSENTS OF SURETY, AND ADDITIONAL AND SUPERSEDING BONDS

§198.97 *Procedure applicable.* The procedure prescribed herein for the approval and disapproval of notices and bonds submitted in connection with the establishment of concentrate plants will, to the extent applicable, govern the approval and disapproval of consents of surety, and additional and superseding bonds.

SUBPART L—ACTION BY COMMISSIONER

ORIGINAL ESTABLISHMENT

§ 198.98 *Review of documents.* The Commissioner will review the qualifying documents, and determine that they are properly executed, and in conformity with the requirements of law and regulations concerning construction and es-

tablishment. Where the documents are found to be in conformity with the above requirements, they will be accepted for filing by the Commisisoner. If such documents are not in conformity with the above requirements, the Commissioner will return them to the district supervisor, with the necessary instructions for correction.

CHANGES SUBSEQUENT TO ORIGINAL ESTABLISHMENT

§ 198.99 *Procedure applicable.* The provisions of § 198.98 concerning the action of the Commissioner in connection with the establishment of concentrate plants shall be followed to the extent applicable, where there is a change in individual, firm, or corporate name, or where there is a change in the proprietorship, location, premises, or distilling apparatus and equipment, of the concentrate plant.

SUBPART M—TERMINATION OF BONDS

§ 198.100 *Termination of bond.* The manufacturer's bond, Form 1694, may be terminated as to future liability (a) pursuant to application by the surety as provided in § 198.101 or (b) pursuant to approval of a superseding bond or discontinuance of business by the principal. Application for termination of a manufacturer's bond upon approval of a superseding bond or discontinuance of the business, must be filed in duplicate with the district supervisor.

§ 198.101 *Relief of surety from bond—*(a) *Application.* The surety on any bond required by the regulations in this part may at any time, in writing, notify the principal and the district supervisor in whose office the bond is on file that he desires, after a date named, which shall be at least 60 days after the date of such notification, to be relieved of liability under said bond. The notice shall be executed in triplicate by the surety, who shall deliver one copy to the principal and two copies to the district supervisor, who shall retain one copy and transmit one copy to the Commissioner. This notice may not be given by an agent of the surety unless it is accompanied by a power of attorney, duly executed by the surety, authorizing him to give such notice, or by a verified statement that such power of attorney is on file with the department. The surety must also file with the district supervisor an acknowledgement or other proof of service of such notice on the principal.

(b) *Extent of release from liability.* If such notice is not thereafter in writing withdrawn, the rights of the principal as supported by said bond shall be terminated on the date named in the notice, and the surety shall be relieved from liability for concentrates, and fruit juice or mash, which are produced or received wholly subsequent to the date named in the notice. If the concentrate manufacturer files a valid superseding bond on Form 1694 prior to the date named in the surety's notice, the surety shall also be relieved from liability for concentrates and juice or mash on hand at the concentrate plant on said date. If the principal fails to file such superseding bond, the surety, notwithstanding his release from liability as specified above, shall continue to remain liable under the bond for all concentrates and juice or mash on hand at the concentrate plant on said date, until such concentrate and juice or mash have been lawfully disposed of or a new bond has been filed by the principal covering the same. Liability under the bond, Form 1694, for concentrate, and fruit juice or mash, produced, received, or removed thereunder prior to the date named in the surety's notice shall continue until such concentrates, and fruit juice or mash, are properly accounted for according to law and regulations, regardless of whether the principal files a superseding bond.

(c) *Notice of release from liability.* If the principal files a valid superseding bond prior to the date named in the surety's notice, the district supervisor shall issue "Notice of Release" on Form 1491, in accordance with § 198.103. Where the principal fails to file such superseding bond, the district supervisor shall, by letter, notify the surety of such fact and of his continued liability under the bond for concentrates and juice or mash on hand at the concentrate plant on said date. The district supervisor shall also at such time notify the concentrate manufacturer that no further operations may be conducted at the concentrate plant until a valid bond is filed and approved. The district supervisor will forward a copy of each such letter to the Commissioner.

§ 198.102 *Action on application for termination of bond.* When an application for the termination of a manufacturer's bond as to future liability is filed with the district supervisor in a case where a superseding bond has been approved, or the principal has discontinued business, as provided in § 198.104, the district supervisor shall retain one copy of such application and forward one copy to the Commissioner, with his recommendation. The district supervisor shall, before forwarding the application to the Commissioner, make a complete examination of records to determine whether there is any liability then due and payable outstanding against the bond. He shall also ascertain from the collector of internal revenue whether there are any outstanding unpaid assessments against the principal. If it is found that violations of law or regulations occurred during the period covered by the bond and that penalties incurred or fines imposed have not been paid, or that outstanding assessments, or demands for payment of taxes, chargeable against the bond have not been paid or otherwise settled, no further action will be taken until all such liabilities have been settled.

§ 198.103 *Notices, Forms 1490 and 1491.* Upon approval of the application for termination of a manufacturer's bond, the district supervisor will execute Form 1490, "Notice of Bond Termination," where a superseding bond has been approved, or Form 1491, "Notification of Release of Bond," where the principal has discontinued business, in quadruplicate (in quintuplicate if there are two sureties), and will forward the original to the Commissioner, one copy to each obligor on the bond, and retain one copy on file with the bond to which it relates.

§ 198.104 *Release of collateral.* The release of collateral pledged and deposited to support bonds required by the regulations in this part shall be in accordance with the provisions of Department Circular No. 154, revised, subject to the conditions governing the issuance of notices on Forms 1490 and 1491 of the termination of such bonds. When the district supervisor determines that there is no outstanding liability against the bond, he will fix the date or dates on which part or all of the security may be released. In fixing such date, which ordinarily will be not less than six months from the date of such determination, the district supervisor shall satisfy himself that the interests of the Government will not be jeopardized. At any time prior to the release of such security the district supervisor may, in his discretion and for proper cause, further extend the date of release of such security for such additional length of time as in his judgment may be appropriate.

SUBPART N—SUSPENSION OR DISCONTINUANCE OF BUSINESS

§ 198.105 *Form of notice.* Any proprietor of a concentrate plant desiring to suspend operations in connection with the production, use, and removal of concentrates for an indefinite period, or for a definite period exceeding 15 days, shall give notice to such effect, on Form 27–G, in triplicate, to the district supervisor, stating when he will suspend operations. The giving of such notice will not be required where operations are temporarily suspended. The proprietor shall fix in the notice, the time and date when operations shall be suspended.

§ 198.106 *Registry of stills.* The temporary suspension of operations at a concentrate plant does not necessitate reregistration of stills. The operations of a concentrate plant by alternating proprietors, where no permanent change in ownership occurs does not require registry of the stills by the proprietors. Where there is a change in location or use, or a bona fide change in ownership of a still, the still must be registered to reflect the change. The district supervisor shall, upon approving the registration of a still on Form 26, retain one copy, forward one copy to the Commissioner and return the remaining copy to the proprietor. The proprietor shall retain his copy at the concentrate plant premises, available for inspection by Government officers.

SUBPART O—PLANT OPERATIONS

§ 198.107 *Compliance with requirements of law and regulations.* Under no circumstances shall any person produce concentrates until compliance with all the requirements of law and regulations in this part, and the required notice, Form 27–G, and supporting documents have been approved in accordance with provisions of the regulations in this part.

§ 198.108 *Inspection of premises and records.* All persons manufacturing concentrates pursuant to the provisions of

this part shall permit any internal revenue officer to inspect the premises, equipment, stocks, and records, at any reasonable hour, as well by night as by day, as required by law. (Secs, 2827, 2828, I. R. C.)

COMMENCEMENT OF OPERATIONS

§ 198.109 *Processing material.* The proprietor of a concentrate plant may produce processing material on his premises to be used in the manufacture of concentrates or such processing material may be produced elsewhere and transported to the concentrate plant. Processing material must be measured when produced or, if produced elsewhere, when received on the premises. The production or receipt of such materials shall be recorded in a record to be maintained by the proprietor, as provided in § 198.116. This record shall also show the name and address of the person from whom received. If processing material is stored on the premises, and it is desired to remove the same for any purpose whatsoever, the proprietor shall enter on his record the kind and quantity so removed, the name and address of the person to whom disposed of, and the reason therefor.

§ 198.110 *Use of processing material.* The proprietor may use processing material produced, and received as set forth in § 198.109, if it contains no more alcohol than is reasonably unavoidable. To this end, fermented processing material must not be used in the manufacture of a concentrate. The proprietor must use processing material as soon as produced, or as soon thereafter as it is practicable.

§ 198.111 *Quantity of processing material to be determined.* The proprietor shall determine the number of gallons of processing material fed to the evaporator and shall enter the same on his record, as provided in § 198.116.

§ 198.112 *Quantity and alcohol content of concentrate produced to be determined.* As to each lot of processing material processed, the total quantity of concentrate produced therefrom and the alcohol content of such concentrate shall be determined and recorded. The alcohol content shall be determined by the use of a standard hydrometer and in accordance with the provisions of the Gauging Manual (26 CFR, Part 186).

§ 198.113 *Removal of concentrate.* Concentrate which is fit for use as a beverage may not be removed from the place of manufacture. Such concentrate, may, however, be used on the premises in the completion of the manufacture of any product authorized to be made by the provisions of § 198.20, if such products contain less than one half of one percent alcohol by volume. Where the alcoholic content of any concentrate exceeds six percent but not more than fifteen percent of alcohol by volume, and it is desired to remove such concentrate from the premises, there shall be added to each gallon thereof not less than:

(a) 8⅗ pounds of sucrose; or

(b) 2½ ounces of any one of the following:

(1) Malic acid;
(2) Citric acid;
(3) Tartaric acid.

Concentrate containing not more than six percent alcohol by volume may be removed from the premises without being modified by the addition of any substance; unless the Commissioner finds that the concentrate is fit for use as a beverage and requires the addition thereto of the materials specified in paragraphs (a) or (b) of this section.

§ 198.114 *Label.* Each container of concentrate shall have affixed thereto, at the time of filling, a label showing: (a) The name of the proprietor; (b) the registry number of the plant and the State in which located; and (c) the address of the plant, as shown on the notice, Form 27–G.

SUBPART P—PROPRIETOR'S RECORDS AND REPORTS

§ 198.115 *General.* The proprietor of every concentrate plant shall keep commercial records and render reports on Form 1695 as hereinafter provided.

§ 198.116 *Commercial records.* The proprietor shall keep commercial records showing daily, the production, receipt, and use of processing material, the use of flashed juice or mash, the production of concentrate and the percent, by volume, of alcohol contained therein, the removal or use of concentrates, and the removal of articles manufactured from juice or mash, and flashed juice or mash. The names and addresses of the persons from whom processing materials are received and the names and addresses of the persons to whom concentrates are disposed of shall be shown on these records. The commercial records shall also show the receipt and use of substances that are used to render concentrates unfit for use as a beverage in accordance with the provisions of § 198.113.

§ 198.117 *Retention of commercial records.* Commercial records shall be maintained on the premises available for inspection by Government officers at all reasonable hours as provided in § 198.108. Such commercial records shall be retained as permanent records for a period of not less than four years.

§ 198.118 *Report, Form 1695.* Entries on Form 1695 shall be made as indicated by the headings of the various columns, and lines, and in accordance with the instructions on the form and as set forth in this part. The entries must be made by the proprietor, or by his agent from personal knowledge or from data furnished by the proprietor. At the close of the month, but in no case later than the tenth day of the succeeding month, the proprietor shall prepare and forward two copies of the Form 1695 to the district supervisor.

§ 198.119 *Execution.* The monthly report, Form 1695, shall be signed by the proprietor or his authorized agent and shall be verified by a written declaration that it is made under the penalties of perjury. Where the report is signed by an agent, proper power of attorney authorizing the agent to execute the report for the proprietor must be filed in triplicate, with the district supervisor. (Sec. 3809, I. R. C.)

§ 198.120 *Permanent record.* One copy of the Form 1695 shall be retained by the proprietor as a permanent record, in bound form, and shall be kept on the premises available for inspection by Government officers at all reasonable hours.

§ 198.121 *Requirements where change in proprietorship occurs.* When a succession or change in the proprietorship of the concentrate plant occurs, the outgoing proprietor shall enter on his record, Form 1695, an account of all processing material and concentrates transferred to his successor, who shall in turn enter such items on his report, Form 1695, as received from his predecessor. The outgoing proprietor shall make appropriate notation on all forms and records required to be kept by him, showing the change in the proprietor and the date thereof.

§ 198.122 *Audit of reports, Form 1695, by district supervisor.* The district supervisor shall, after audit and not later than the last day of the month succeeding that for which the reports are rendered, forward one copy of Form 1695 to the Commissioner and retain the remaining copy.

SUBPART Q—INSTRUMENTS AND PAPERS

§ 198.123 *Part of regulations.* The terms, conditions, and instructions contained in instruments and papers required to be furnished by law or regulations are hereby made a part of the regulations in this part as fully and to the same extent as if incorporated herein.

Immediate effect. These regulations shall be effective upon publication in the FEDERAL REGISTER.

[SEAL] DANIEL A. BOLICH,
Acting Commissioner of Internal Revenue.

Approved: September 21, 1949.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 49–7771; Filed, Sept. 26, 1949; 8:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 580—WOMEN'S ARMY CORPS

ENLISTMENT OF WOMEN IN ARMY AND AIR FORCE

Rescind § 580.18 and substitute the following in lieu thereof:

§ 580.18 *Enlistment of women in Army and Air Force*—(a) *General*—(1) *Purpose.* The purpose of this section is to provide information and set forth special qualifications for enlistment of women in the Regular Army and the United States Air Force. Except as modified in this section, the provisions of Part 571 of this subchapter will apply to the enlistment of women in the Women's Army Corps, Regular Army (hereinafter referred to as WAC), and women in the

United States Air Force, Regular component (hereinafter referred to as WAF), pursuant to the Women's Armed Services Integration Act of 1948 (act, June 12, 1948, Public Law 625, 80th Cong.).

(2) *Applicability.* Women with or without prior service in any of the armed forces who meet the qualifications herein prescribed may be enlisted in numbers authorized by the Department of the Army and the Department of the Air Force.

(b) *Qualifications for enlistment*—(1) *Age.* The age qualifications for enlistment are:

(i) Eighteen to thirty-five years, except as provided in subdivision (ii) of this paragraph. However, an applicant who is 18 years of age but has not reached her twenty-first birthday will be required to furnish written consent of her parents or guardian on a form similar to that prescribed in § 571.1 (c) (4) of this subchapter.

(ii) Women 35 years of age and over who have had prior service in the WAC may be enlisted, provided that at the time of application for such enlistment, their age does not exceed 35 years plus the number of years of prior honorable active service completed in the WAC subsequent to July 1, 1943. No waivers will be granted.

(2) *Educational requirements.* The educational requirements for applicants without prior military service (including those whose only service has been in the WAAC) are as follows:

(i) *Regular Army.* They must possess a certificate of graduation from high school, or hold a state-recognized equivalent, or must present substantiating data that they have successfully completed the general educational development (GED) test. (This test will not be administered by recruiting personnel, but applicants desiring information about the GED test will be advised to contact the appropriate State Department of Education for information concerning this or similar tests.)

(ii) *Regular Air Force.* They must possess a certificate of graduation from high school.

(3) *Physical qualifications.* Applicants for enlistment must meet fully the physical qualifications prescribed in AR 40–115 (Army regulations pertaining to physical standards and physical profiling for enlistment and induction).

(4) *Women ineligible for enlistment.* In addition to women who are ineligible for enlistment under the applicable provisions of § 571.1 (i) of this subchapter, the following women are ineligible for enlistment in the WAC or WAF:

(i) Applicants from civilian life who have had prior military service in the Army, Navy, Air Force, Coast Guard, or Marine Corps who have had time lost under Article of War 107 (or time lost under similar circumstances in the Navy, Coast Guard, or Marine Corps) during their period of active service.

(ii) Women last discharged with a general or other than honorable discharge. No waivers will be granted.

(iii) Women who have an active or chronic venereal disease. No waivers will be granted. A history of venereal disease is not immediately disqualifying provided the individual presents no symptoms of the disease and the laboratory findings are normal. If otherwise qualified for enlistment, the complete case file of these individuals having a history of venereal disease will be forwarded to The Adjutant General, Department of the Army, for Army enlistees, and the Director of Military Personnel, Headquarters, United States Air Force, for Air Force enlistees, for final determination.

(iv) Women who have been imprisoned under sentence of civil court for other than a felony and women who have had frequent difficulty with law enforcement agencies or who have criminal tendencies, a history of antisocial behavior, or who are of questionable moral character. No waivers will be granted.

(v) Married applicants without prior military service. No waivers will be granted.

(vi) All applicants for enlistment who have dependents or children under 18 years of age. A woman who has any legal or other responsibility for the custody, control, care, maintenance, or support of any child or children under 18 years of age will not be enlisted. Women who have surrendered all rights to custody and control of natural children through formal adoption or final divorce proceedings may be accepted for enlistment. However, women having stepchildren or foster children under 18 years of age, or who otherwise stand in relationship of a parent to such child or children may not be accepted for enlistment. No waivers will be granted.

(c) *Periods of enlistment.* The periods of enlistment will be as prescribed in § 571.2 of this subchapter, except that enlistments for 21 months are not authorized for enlistment in the WAC or WAF. All applicants for enlistment will be informed of and required to sign the following statement entered in item 39 of the enlistment record:

I certify that I fully understand that if I am married now, or marry during my enlistment, I will be required to serve one full year on current enlistment before I will be eligible for discharge by reason of marriage.

[SR 625–120–1, September 9, 1949] (62 Stat. 356; 10 U. S. C. 316)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 49–7749; Filed, Sept. 26, 1949; 8:46 a. m.]

Chapter VII—Department of the Air Force

PART 880—WOMEN'S ARMY CORPS

ENLISTMENT OF WOMEN IN ARMY AND AIR FORCE

CROSS REFERENCE: For amendment of regulations with respect to Women's Army Corps, see Part 580, of Chapter V, *supra,* which was made applicable to the Department of the Air Force at 13 F. R. 8751.

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 608]

OREGON

PARTIALLY REVOKING ORDER OF SECRETARY OF INTERIOR OF JUNE 14, 1919, APPROVED BY PRESIDENT ON JUNE 30, 1919, TEMPORARILY WITHDRAWING CERTAIN REVESTED OREGON AND CALIFORNIA RAILROAD GRANT LANDS FOR USE OF FOREST SERVICE, DEPARTMENT OF AGRICULTURE, AS A POWDER-HOUSE SITE

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910, c. 421, 36 Stat. 847 (43 U. S. C. 141), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

The order of the Secretary of the Interior of June 14, 1919, approved by the President on June 30, 1919, temporarily withdrawing certain revested Oregon and California Railroad grant lands in Oregon for use by the Forest Service, Department of Agriculture, as a powder-house site, is hereby revoked so far as it affects the following-described land:

WILLAMETTE MERIDIAN

T. 36 S., R. 5 W.,
Sec. 31, W½SW¼NW¼.

The area described contains 24.23 acres.

The above-described land shall not be subject to disposition of any kind prior to 10:00 a. m., on the 35th day after the date of this order. At that time it shall become subject to such disposition as may by law be made of the revested Oregon and California Railroad grant lands.

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

SEPTEMBER 21, 1949.

[F. R. Doc. 49–7760; Filed, Sept. 26, 1949; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 966]

ORANGES GROWN IN CALIFORNIA AND ARIZONA

NOTICE OF PROPOSED RULE MAKING

Correction

In Federal Register Document 49–7640, published at page 5781 of the issue for Thursday, September 22, 1949, the first sentence of subparagraph (3) of § 966.104 (a) should read: "Not less than seven and not more than 15 meetings shall be held at such times and places (throughout the orange producing areas in California and Arizona) as may be designated by the agent of the Secretary, at which growers who are not members of, or affiliated with, the organizations included under subparagraphs (1) and (2) of this paragraph may vote."

NOTICES

CIVIL AERONAUTICS BOARD

[Regs., Serial No. OR–17]

DELEGATIONS OF AUTHORITY

SEVERANCE OF APPLICATIONS FROM PROCEEDINGS

The Civil Aeronautics Board has amended the Organizational Regulations (formerly 14 CFR, Part 301) as follows, effective September 16, 1949:

By adding the following new paragraph to the section titled *Delegations of authority* (formerly § 301.2):

(n) *Director, Alaska Office; severance of applications from proceedings.* (1) In formal proceedings on the Board's Alaskan docket, the Director, Alaska Office, is authorized to sever applications or parts thereof from any proceeding under Title IV of the act, which is pending on the Board's Alaskan docket.

(2) The exercise of this authority is subject to modification or reversal by the Board either by the Board on its own motion or in response to a request filed by any interested party to the proceeding.

(Secs. 205 (a), 1001; 52 Stat. 984, 1017; 49 U. S. C. 425, 641).

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49–7772; Filed, Sept. 26, 1949; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8302, 9348, 9349, 9350, 9460]

CHARLES WILBUR LAMAR, JR., ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Charles Wilbur Lamar, Jr., Morgan City, Louisiana, Docket No. 8302, File No. BP–4913; Supreme Broadcasting Company, Inc. (WJMR), New Orleans, Louisiana, Docket No. 9348, File No. BP–7206; Royal Broadcasting Corporation, New Orleans, Louisiana, Docket No. 9349, File No. BP–7221; New Orleans Broadcasting Company, Inc., New Orleans, Louisiana, Docket No. 9350, File No. BP–7225; Gretna and Lower Coast Radio and Broadcasting Company, Inc., Gretna, Louisiana, Docket No. 9460, File No. BP–7349; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 15th day of September 1949;

The Commission having under consideration the above-entitled application of Gretna and Lower Coast Radio and Broadcasting Company, Inc., for a permit to construct a new standard broadcast station to operate on the frequency 1450 kilocycles, with 250 watts power, unlimited time, in Gretna, Louisiana;

It appearing, that, the application of Charles Wilbur Lamar, Jr., for a permit to construct a new standard broadcast station to operate on frequency 1450 kilocycles, with 100 watts power, unlimited time, at Morgan City, Louisiana, was designated for hearing April 10, 1947, and that the applications of Supreme Broadcasting Company, Incorporated, for a construction permit to change the facilities of Station WJMR, New Orleans, Louisiana, from frequency 990 kilocycles, 250 watts power, daytime only, to 1450 kilocycles, 250 watts power, unlimited time, and of Royal Broadcasting Corporation and New Orleans Broadcasting Company, Incorporated, each requesting a permit to construct a new standard broadcast station to operate on frequency 1450 kilocycles, with 250 watts power, unlimited time, at New Orleans, Louisiana, were designated for hearing by Commission order of June 15, 1949, in a consolidated proceeding with the aforementioned application of Charles Wilbur Lamar, Jr.;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled application of Gretna and Lower Coast Radio and Broadcasting Company, Inc., is designated for hearing in the above consolidated proceeding commencing at 10:00 a. m. on October 3, 1949, at New Orleans, La., before Mr. Jack P. Blume, Hearing Examiner, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of the proposed station would involve objectionable interference with the services proposed in the other applications in this proceeding, or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Commission's orders of April 10, 1947 and June 15, 1949, designating for hearing as aforesaid the above-entitled applications of Charles Wilbur Lamar, Jr.; Supreme Broadcasting Company, Inc.; Royal Broadcasting Corporation; and New Orleans Broadcasting Company, Inc., are amended to include the above-entitled application of Gretna and Lower Coast Radio and Broadcasting Company, Inc.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49–7784; Filed, Sept. 26, 1949; 8:56 a. m.]

[Docket Nos. 8302, 9348, 9349, 9350]

CHARLES WILBUR LAMAR, JR., ET AL.

MEMORANDUM OPINION AND ORDER AMENDING ISSUES

In re applications of Charles Wilbur Lamar, Jr., Morgan City, Louisiana, Docket No. 8302, File No. BP–4913; Supreme Broadcasting Company, Inc. (WJMR), New Orleans, Louisiana, Docket No. 9348, File No. BP–7206; Royal

Broadcasting Corporation, New Orleans, Louisiana, Docket No. 9349, File No. BP-7221; New Orleans Broadcasting Company, Inc., New Orleans, Louisiana, Docket No. 9350, File No. BP-7225; for construction permits.

We have before us a motion filed June 24, 1949, by Supreme Broadcasting System, Incorporated (WJMR), requesting that Issue No. 1 specified in the Commission's Order of June 15, designating the above-entitled applications for consolidated hearing be amended to delete any reference to the legal and financial qualifications of Supreme Broadcasting System, Incorporated, and opposition thereto filed July 1, 1949, by Royal Broadcasting Corporation.

In support of its motion petitioner alleges that it is presently the licensee of AM Station WJMR, and permittee of FM Station WRCM, both in New Orleans, Louisiana; that the Commission has previously determined that it is legally qualified to own and operate a broadcast station; that the only expense involved with regard to its above-entitled application will be the purchase of new crystals for the transmitter and frequency monitor and legal and engineering expenses; that the cost of operating Station WJMR unlimited time as proposed will be no greater than the present cost of operating WJMR daytime and WRCM unlimited time; that the balance sheet submitted with its application shows that it has ample funds available to purchase the crystals required to change the frequency of WJMR to 1450 kc; and that accordingly the taking of evidence with regard to petitioner's legal and financial qualifications would only prolong the hearing and could have no bearing whatsoever on the decision in this case.

The opposition alleges that the last time the Commission passed upon the legal qualifications of petitioner was April 8, 1948, when renewal of license of Station WJMR was granted; that the legal qualifications of petitioner have never before been in issue in a competitive hearing; that in a competitive hearing the record should not be permitted to be silent on the past financial operations of an applicant who is at present and has for some time operated a radio station; that such financial results are an integral part of the applicant's qualifications and in many ways reflect its ability to continue operation and to undertake improvement of its facilities; that petitioner's balance sheet at the time of the hearing should be considered by the Commission in determining the comparative financial qualifications of the applicants since at such time the financial position of petitioner may have drastically changed affecting its financial qualifications to construct and operate WJMR as proposed. The opposition does not allege any facts which would tend to indicate that petitioner is not legally qualified to be a broadcast licensee.

Since the Commission has at no time determined the financial qualifications of petitioner to construct and operate Station WJMR as proposed we are of the opinion that the instant motion should be denied insofar as it requests deletion from the issues of any reference to the financial qualifications of petitioner.

It is not the Commission's practice in hearings of this nature to include an issue with respect to the legal qualifications of existing licensees or permittees unless it appears that there is some reason to doubt such qualifications. The question of whether an applicant is legally qualified is an absolute one and no comparative consideration between applicants is involved. Accordingly, where the Commission has previously determined that an applicant is legally qualified, inclusion of an issue with respect to the legal qualifications of that applicant is unnecessary. Each party to a consolidated hearing is, of course, concerned with the determination that its competitors are or are not legally qualified and is entitled to question their legal qualifications. This does not mean, however, that they may insist upon the inclusion of an issue with respect to legal qualifications, in the absence of any reasonable ground for belief that such issue will elicit material evidence and not serve only to prolong the proceedings unnecessarily. As stated above it is not the Commission's practice to include an issue relating to legal qualifications of existing licensees. Such an issue was included in this case by inadvertence. The opposition does not allege any facts which in any way tend to raise a doubt as to the legal qualifications of the petitioner. We therefore believe that the petition should be granted insofar as it requests deletion from the issues of any reference to petitioner's legal qualifications. Such action, of course, is without prejudice to the filing of a motion for enlargement of the issues by Royal Broadcasting Corporation or any of the other parties to this hearing requesting that the question of petititoner's legal qualifications be placed in issue; but any such motion must be supported by allegations of facts sufficient to raise a question whether in fact petitioner is legally qualified.

Accordingly, it is ordered, This 15th day of September 1949, that the said petition of Supreme Broadcasting System, Incorporated, requesting revision of the issues in the above-entitled proceeding is granted, insofar as it requests deletion of any reference to the legal qualifications of Supreme Broadcasting System, Incorporated, and is denied insofar as it requests deletion of any reference to the financial qualifications of Supreme Broadcasting System, Incorporated.

It is further ordered, That the Commission's order of June 15, 1949, designating the above-entitled applications for hearing in a consolidated proceeding is amended by striking therefrom Issue No. 1 and substituting therefor the following:

1. To determine the legal, technical, financial and other qualifications of Charles Wilbur Lamar, Jr., Royal Broadcasting Corporation and New Orleans Broadcasting Company, Incorporated, their officers, directors and stockholders to construct and operate the proposed stations; and to determine the technical, financial and other qualifications of Supreme Broadcasting System, Inc., its officers, directors and stockholders to construct and operate Station WJMR as proposed.

Released: September 21, 1949.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-7785; Filed, Sept. 26, 1949; 8:56 a. m.]

[Docket No. 9263]

MIDWEST BROADCASTING CO. (WMAW)

MEMORANDUM OPINION AND ORDER AMENDING ISSUES AND SCHEDULING HEARING

In re application of Midwest Broadcasting Company (WMAW), Milwaukee, Wisconsin, for license to cover construction permit for standard broadcast station WMAW; File No. BL-3062, Docket No. 9263.

The Commission has before it a petition filed by Midwest Broadcasting Company on July 28, 1949, requesting that the Commission (a) dismiss the permittee corporation's application for consent to transfer of control (File No. BTC-682, Docket No. 9264); (b) continue a hearing in Dockets 9263 and 9264 scheduled to commence August 15, 1949; (c) reconsider its action of March 23, 1949, designating for hearing the permittee's application for license (File No. BL-3062, Docket No. 9263); and (d) grant the license application without hearing. The second request of the petitioner was granted by the Hearing Examiner who, on August 5, 1949, postponed the hearing indefinitely and the first request was complied with by the action of the Motions Commissioner, on August 12, 1949, dismissing without prejudice the application for involuntary transfer of control.

The transfer application, now dismissed, and the licensee application herein involved, were originally designated for hearing in a consolidated proceeding to determine, inter alia, whether there were undisclosed beneficial stock interests in the permittee, the participation of Herbert E. and Myrtle D. Uihlein in the affairs of the permittee, whether misrepresentations had been made to the Commission concerning such participation and the source of all funds paid in or advanced by the stockholders of the permittee. The petition under consideration and the exhibits attached thereto purport to, but do not to the satisfaction of the Commission, answer the questions raised by the issues included in the Notice of Designation of Hearing. As a result the Commission is unable to determine, at this time, on the basis of information presently before it, that a grant of the application for license to cover the outstanding construction permit of station WMAW would be in the public interest.

Accordingly it is ordered, this 15th day of September 1949, that that portion of the petition of Midwest Broadcasting Company for reconsideration and grant without hearing in the above entitled matter be denied and that the hearing be held at 10 a. m., Monday, October 17, 1949, in Milwaukee, Wisconsin.

It is further ordered, That the Commission's Order of March 23, 1949, designating the above mentioned application for hearing be amended by deleting issues 5 and 6 thereof and amending issue 7 to read:

5. To determine whether, in view of the facts adduced under the foregoing issues, the public interest, convenience and necessity would be served by granting the above-entitled application for license to cover the construction permit for station WMAW.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-7790; Filed, Sept. 26, 1949; 8:57 a. m.]

[Docket Nos. 9364, 9457]

G. W. COVINGTON, JR.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of G. W. Covington, Jr., Gadsden, Alabama, Docket No. 9364, File No. BR-2031; for renewal of license of Station WGWD, Docket No. 9457, File No. BP-6749; and for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 15th day of September 1949;

The Commission having under consideration the above-entitled application requesting a construction permit to change the facilities of Station WGWD, Gadsden, Alabama, from frequency 570 kc, with 1 kw power, daytime only, to frequency 570 kc, with 1 kw power daytime, 500 watts nighttime, and to install a new transmitter;

It appearing, that, the applicant is legally, technically, financially, and otherwise qualified to construct and operate Station WGWD, as proposed, but that such operation as proposed may involve objectionable interference with one or more existing stations or otherwise not comply with the Commission's Standards of Good Engineering Practice Concerning Standard Broadcast Stations; and

It further appearing, that the Commission on June 29, 1949, designated for hearing the above-entitled application for renewal of license of standard broadcast station WGWD, at Gadsden, Alabama; and

It further appearing, that the Commission, on August 19, 1949, granted an application for involuntary assignment of the above-entitled application for a construction permit and the license of Station WGWD, Gadsden, Alabama, from G. W. Covington, Jr., deceased, to the First National Bank of Montgomery and Margaret Milwee, executors of the estate of the deceased;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled application for a construction permit is designated for hearing in consolidation with the aforesaid renewal application, upon the following issues:

1. To determine the areas and populations which may be expected to gain primary service from the operation of Station WGWD as proposed and the character of other broadcast service available to those areas and populations.

2. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

3. To determine whether the operation of Station WGWD as proposed would involve objectionable interference with any existing broadcast station or the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the installation and operation of Station WGWD as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Central New York Broadcasting Corporation, licensee of Station WSYR, Syracuse, New York; Asheville Citizens-Times Company, Inc., licensee of Station WWNC, Asheville, North Carolina, WKBN Broadcasting Corporation, licensee of Station WKBN, Youngstown, Ohio; A. H. Belo Corporation, licensee of Station WFAA, Dallas, Texas, and Carter Publishers, Inc., licensee of Station WBAP, Fort Worth, Texas, are made parties to the proceeding;

It is further ordered, That the Commission's Order of June 29, 1949, designating for hearing the above-entitled application for renewal of license of Station WGWD, Gadsden, Alabama, is amended to include the above-entitled application for a construction permit.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-7788; Filed, Sept. 26, 1949; 8:57 a. m.]

[Docket Nos. 9454, 9455]

BURBANK BROADCASTERS, INC., AND LESLIE S. BOWDEN

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Burbank Broadcasters, Inc. (Assignor), Leslie S. Bowden, Trustee in Bankruptcy (Assignee), BAL-887, BAPH-121, Docket No. 9454; for assignment of license of standard broadcast station KWIK and construction permit for FM station KWIK-FM. In re application of Burbank Broadcasters, Inc., BPH-1575, Docket No. 9455; for construction permit to replace expired permit of KWIK-FM.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. upon the 15th day of September 1949;

The Commission having under consideration the above-entitled application for the assignment of license of Station KWIK, the construction permit for station KWIK-FM, and the application for construction permit to replace the expired permit for Station KWIK-FM, and not being satisfied that it is in possession of full information as is required by the Communications Act of 1934, as amended, and acting pursuant to sections 309 (a), 310 (b) and 319 of the Communications Act of 1934, as amended, and §§ 3.214 and 3.215 of the Commission's rules and regulations;

It is ordered, That the above entitled applications be designated for hearing to be held at 10:00 a. m., Wednesday, October 17, 1949, at Burbank, California, on the following issues:

1. To determine whether it would be in the public interest, convenience and necessity to grant the application of Burbank Broadcasters, Inc. (File No. BPH-1575, filed January 25, 1949), for construction permit to replace the expired permit of FM Station KWIK-FM, which permit required completion of construction by January 10, 1949.

2. To determine whether all transfers of stock in Burbank Broadcasters, Inc., licensee of station KWIK, made prior to March 14, 1949, have been reported in accordance with §§ 1.321, 1.342 and 1.343 of the Commission's rules and regulations, and whether the license granted to Burbank Broadcasters, or the rights and responsibilities incident thereto have prior to March 14, 1949, been transferred, assigned, or disposed of, directly or indirectly without the consent of the Commission and in contravention of the Communications Act of 1934, as amended, and more particularly section 310 (b) thereof.

3. To determine whether it would be in the public interest, convenience and necessity to grant the applications of Burbank Broadcasters, Inc. (Assignor) and Leslie S. Bowden, as Trustee in Bankruptcy (Assignee) for assignment of license of standard broadcast station KWIK (BAL-887) and for assignment of construction permit of FM station KWIK-FM (BAPH-121) and further, to secure information with respect to the plans of said Bowden relative to the disposition of the station.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F R. Doc. 49-7791; Filed, Sept. 26, 1949; 8:58 a. m.]

[Docket No. 9456]

STEITZ NEWSPAPERS, INC.

ORDER DESIGNATING APPLICATION FOR HEARING OF STATED ISSUES

In re application of Steitz Newspapers, Inc., Lebanon, Pennsylvania, for construction permit; Docket No. 9456, File No. BP-6992.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 15th day of September 1949;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1430 kc. with power of 500

watts daytime only at Lebanon, Pennsylvania;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing at a time and place to be determined by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To obtain full information concerning the practices and policies of applicant's parent corporation, Lebanon News Publishing Company, and to determine whether such practices and policies have been calculated to hinder or have in fact tended to hinder Station WLBR, Lebanon, Pennsylania, from providing a broadcast service in the public interest, with particular reference to the following:

a. Whether rates charged for newspaper advertising relating to broadcasting have been discriminatory.

b. Whether newspaper advertisers who also use radio advertising have been discriminated against or whether such discrimination has been threatened.

3. To determine what policies will be followed by the applicant and its parent corporation, Lebanon News Publishing Company with respect to joint advertising rates, if any, or other joint operation, if any, of the proposed station and the newspapers published by Lebanon News Publishing Company.

4. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

5. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

6. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

7. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

8. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-7789; Filed, Sept. 26, 1949; 8:57 a. m.]

[Docket No. 9458]

SELMA-SMITHFIELD BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of J. F. Horton and J. S. Townsend d/b as Selma-Smithfield Broadcasting Company, Smithfield, North Carolina, for construction permit. Docket No. 9458, File No. BP-7093.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 15th day of September 1949;

The Commission having under consideration the above-entitled application for a permit to construct a new standard boardcast station to operate on 910 kilocycles, 250 watts power, daytime only, at Smithfield, North Carolina; and

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate the proposed station, but that the application may involve objectionable interference with one or more existing stations and otherwise not comply with the Standards of Good Engineering Practice;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations particularly with respect to the assignment of a Class IV station to a regional channel.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-7787; Filed, Sept. 26, 1949; 8:57 a. m.]

[Docket No. 9459]

NEVADA BROADCASTING CO. (KENO)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Maxwell Kelch and Laura Belle Kelch d/b as Nevada Broadcasting Company (KENO), Las Vegas, Nevada, for construction permit; Docket No. 9459, File. No. BP-6655.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 15th day of September 1949;

The Commission having under consideration the above-entitled application which requests a construction permit to change the facilities of Station KENO, Las Vegas, Nevada, from frequency 1400 kilocycles, 250 watts power, unlimited time to frequency 1460 kilocycles, 1 kilowatt power, unlimited time, to install a new transmitter and to install a directional antenna for night use;

It appearing, that, the applicant is legally, technically, financially, and otherwise qualified to construct and operate Station KENO as proposed and that the type and character of program service proposed to be rendered would meet the requirements of the populations and areas proposed to be served, but that the application may involve interference with one or more existing stations and otherwise not comply with the Standards of Good Engineering Practice;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KENO as proposed and the character of other broadcast service available to those areas and populations.

2. To determine whether the operation of Station KENO as proposed would involve objectionable interference with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of Station KENO as proposed would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the operation of Station KENO as proposed would involve objectionable interference with the notified station at Ciudad Juarez, Mexico, or with any other existing foreign broadcast stations and, if so, whether such interference would be in contravention of any international agreement or the Commission's rules and standards.

5. To determine whether the installation and operation of Station KENO as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to the areas and

populations to receive satisfactory service.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-7786; Filed, Sept. 26, 1949; 8:57 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1274]

NEW YORK STATE NATURAL GAS CORP.

NOTICE OF APPLICATION

SEPTEMBER 21, 1949.

Take notice that New York State Natural Gas Corporation (Applicant,) a New York corporation, of 30 Rockefeller Plaza, New York, New York, filed on September 7, 1949, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain transmission pipeline facilities which will enable Applicant to sell and deliver approximately 4,100 Mcf of additional natural gas daily to Central New York Power Corporation at a point of delivery known as "Therm City" in Onondaga County, New York, in accordance with the terms of an agreement entered into between Applicant and Central New York Power Corporation dated August 31, 1949.

Central New York Power Corporation and New York Power and Light Corporation have filed a joint application for a certificate of public convenience and necessity at Docket No. G-1275 simultaneously with the filing of the application by Applicant, for the purpose of carrying out Central New York Power Corporation's obligation under the terms and provisions of the above-mentioned contract.

The estimated cost of the proposed facilities is $32,000, which will be paid from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) within 15 days from the date of publication hereof in the FEDERAL REGISTER. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-7761; Filed, Sept. 26, 1949; 8:48 a. m.]

[Docket No. G-1275]

CENTRAL NEW YORK POWER CORP. AND NEW YORK POWER AND LIGHT CORP.

NOTICE OF APPLICATION

SEPTEMBER 21, 1949.

Take notice that Central New York Power Corporation (Central), a New York corporation, of Syracuse, New York, and New York Power and Light Corporation (New York Power) a New York corporation of Albany, New York, filed on September 7, 1949, a joint application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain transmission pipe-line facilities hereinafter described.

Central proposes to transport natural gas for resale to New York Power, to distribute natural gas in that portion of Central's Utica Division lying between its Syracuse-Oswego Division and the Oneida District served by New York Power, and for use as a reforming and enriching agent in Central's gas manufacturing operations in the Utica Division and for such purpose to construct 16 miles of 14 inch pipe from a point known as Therm City in New York State to a connection east of Syracuse, New York, on an 8 inch pipe line presently connecting Central's Syracuse-Oswego and Utica Divisions. The volume of natural gas to be received at this point will be approximately 4,100 Mcf per day.

New York Power proposes to transport natural gas for the account of Central on a portion of existing 8 inch pipe line between Syracuse and Utica which lies in New York Power's Oneida District and is owned by it. New York Power proposes to transport daily as much of the aforesaid 4,100 Mcf of Central New York's natural gas as may be available or required for use as an enriching agent in the manufacturing facilities of Central's Utica Division.

New York State Natural Gas Corporation has filed an application for a certificate of public convenience and necessity at Docket No. G-1274 simultaneously with the filing of the application herein, for the purpose of carrying out New York State Natural Gas Corporation's obligations under the terms and provisions of the contract entered into with Central and New York Power.

The estimated cost of the proposed facilities is $972,000, all of which will be expended by Central with the exception of $6,500 which will be expended by New York Power. These costs will be obtained from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) within 15 days from the date of publication hereof in the FEDERAL REGISTER. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-7762; Filed, Sept. 26, 1949; 8:48 a. m.]

[Docket No. G-1280]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF APPLICATION

SEPTEMBER 23, 1949.

Take notice that Texas Eastern Transmission Corporation (Applicant), a Delaware corporation with address at Shreveport, Louisiana, filed on September 16, 1949, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain transmission pipeline facilities hereinafter described for the transportation and sale of natural gas at two locations to The Manufacturers Light and Heat Company (Manufacturers) for sale by it to Lancaster County Gas Company (Lancaster).

Applicant proposes to construct and install 2 metering and regulating stations for delivery of gas for the account of Manufacturers into pipeline facilities to be constructed by Lancaster from its existing facilities in Lancaster and Columbia, Pennsylvania. Applicant states that it proposes to make deliveries of gas through the facilities proposed to be constructed by it from the quantities of gas heretofore authorized by the Commission to be delivered by Applicant to Manufacturers. Applicant further states that such deliveries will be made in connection with the proposal made by Manufacturers in proceedings before this Commission in Docket No. G-1247, wherein, subject to regulatory approval, Applicant will also deliver to Manufacturers the quantities of gas authorized by the Commission in Docket No. G-1089 to be delivered by Applicant to Harrisburg Gas Company, Consumers Gas Company, and Allentown-Bethlehem Gas Company. Manufacturers in turn proposes to sell such gas to the latter distribution companies.

The estimated cost of the proposed facilities is $36,170 which will be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) within 15 days from the date of publication hereof in the FEDERAL REGISTER. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-7810; Filed, Sept. 26, 1949; 9:00 a. m.]

INTERSTATE COMMERCE COMMISSION

[Sec. 5a Application 13]

NORTH ATLANTIC PORT RAILROADS

TIDEWATER COAL DEMURRAGE AGREEMENT

SEPTEMBER 21, 1949.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed by: The Baltimore and Ohio Railroad Company, Baltimore and Charles Streets, Baltimore 1, Md., and others.

Agreement involved: An agreement between and among common carriers by railroad relating to procedures for the joint consideration, initiation, and establishment of tidewater demurrage and detention charges, and rules and regulations pertaining thereto, on coal or products thereof, at North Atlantic Ports.

The complete application may be inspected at the office of the Commission in Washington, D. C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the General Rules of Practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discrtion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 49-7750; Filed, Sept. 26, 1949; 8:46 a. m.]

[No. 30340]

ALABAMA INTRASTATE EXPRESS RATES AND CHARGES

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 30th day of August A. D. 1949.

It appearing, that a petition dated August 13, 1949, has been filed on behalf of Railway Express Agency, Incorporated, a common carrier of express, principally by railroad, operating to, from, and between points in the State of Alabama, averring that in Ex Parte No. 163, Increased Express Rates and Charges, 1946, 266 I. C. C. 369, and 269 I. C. C. 161, this Commission authorized certain increases in interstate express rates and charges throughout the United States, which were established, pursuant to those two decisions, December 13, 1946, and October 25, 1947, respectively, by order dated December 16, 1947, in said proceeding, this Commission authorized the publication, subject to protest and possible suspension, of certain additional increases in interstate express rates and charges, which became effective January 22, 1948, and by report and order of December 29, 1948 (273 I. C. C. 231) authorized certain uniform rates and charges for the transportation of property by express throughout the United States, which rates and charges were established February 14, 1949; that the Alabama Public Service Commission, by order dated August 4, 1949, has refused to authorize or permit said petitioner to apply to the transportation of express, moving intrastate by railroad in Alabama, increases in rates and charges corresponding to those approved for interstate application in the proceeding above cited;

It further appearing, that said petitioner alleges that the intrastate express rates and charges which it is required to maintain for the transportation of property as aforesaid, moving intrastate by railroad in Alabama as a result of such refusal by the Alabama Public Service Commission, cause undue and unreasonable advantage, preference, and prejudice as between persons and localities in intrastate commerce, on the one hand, and interstate commerce, on the other hand, and undue, unreasonable, and unjust discrimination against interstate and foreign commerce;

And it further appearing, that the said petition brings in issue express rates and charges made or imposed by authority of the State of Alabama:

It is ordered, That in response to the said petition, an investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence from the respondent hereinafter designated and any other persons interested, to determine whether the express rates and charges of the Railway Express Agency, Incorporated, between points in Alabama made or imposed by authority of the State of Alabama cause undue or unreasonable advantage, preference, or prejudice between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against interstate or foreign commerce, and to determine what express rates and charges, if any, or what maximum or minimum or maximum and minimum express rates and charges shall be prescribed to remove the unlawful advantage, preference, or discrimination, if any, as may be found to exist;

It is further ordered, That the Railway Express Agency, Incorporated, be, and it is hereby, made respondent to this proceeding; that a copy of this order be served upon said respondent; and that the State of Alabama be notified of this proceeding by sending copies of this order and of said petition by registered mail to the Governor of the said State and to the Alabama Public Service Commission at Montgomery, Ala.;

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission, at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.;

And it is further ordered, That this proceeding be, and the same is hereby, assigned for hearing October 17, 1949, 9:30 o'clock a. m., U. S. Standard Time, at the rooms of the Alabama Public Service Commission, Montgomery, Ala., before Examiner Burton Fuller.

By the Commission, Division 1.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 49-7751; Filed, Sept. 26, 1949; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1119]

KANSAS POWER & LIGHT CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 21st day of September A. D. 1949.

The Philadelphia-Baltimore Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $8.75 Par Value, of Kansas Power & Light Company, a security listed and registered on the New York Stock Exchange. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to October 19, 1949, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-7755; Filed, Sept. 26, 1949; 8:47 a. m.]

[File No. 70-2191]

PENNSYLVANIA GAS & ELECTRIC CORP. ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commisison, held at its office in the city of Washington, D. C., on the 20th day of September A. D. 1949.

In the matter of Pennsylvania Gas & Electric Corporation, York County Gas Company, Penn-Western Service Corporation; File No. 70-2191.

Pennsylvania Gas & Electric Corporation ("Penn Corp"), a registered holding company, York County Gas Company ("York"), a public utility subsidiary of Penn Corp, and Penn-Western Service Corporation, a subsidiary of Penn Corp and an approved mutual service company, having filed an application-declaration, and an amendment thereto, pursuant to sections 9 (a) (1) and 12 (d) of the Public Utility Holding Company Act of 1935 (the "act") and Rule U-23 thereunder with respect to the following proposed transactions:

Penn Corp proposes to sell its entire present interest in York consisting of 4,506 shares of capital stock of York. The shares of stock will be sold for cash pursuant to public invitation for proposals to purchase such stock; the sale price of the stock, which will be determined by the highest acceptable bid received, is to be supplied by amendment.

The filing states that the net proceeds from the sale of such shares of York's capital stock will be used to make pro rata cash payments to the holders of Penn Corp's outstanding debentures pursuant to a plan previously filed under section 11 (e) and as to which hearings have commenced (Holding Company Act Release No. 9253). This plan proposes, among other things, the use of the proceeds from the disposition of Penn Corp's interest in York and certain other subsidiaries of Penn Corp, together with other funds, to retire Penn Corp's outstanding debentures by pro rata cash payments, from time to time, to the holders thereof, without payment of premium.

Penn Corp contemplates that the 4,506 shares of York's capital stock will be sold prior to the issuance by York of subscription warrants in connection with York's proposal, which has been approved by this Commission (Holding Company Act Release No. 9312), to sell 6,000 additional shares of York's capital stock at a price of $50 per share through a subscription warrant offering. However, Penn Corp proposes, in the event that the sale of its holdings of York's capital stock is not consummated prior to the proposed issuance by York of subscription warrants, to subscribe for and purchase 901 shares of York's additional capital stock by exercising all the Full Shares Subscription Warrants which it will be entitled to receive and sell the Fractional Shares Subscription Warrants to which it will be entitled.

York proposes to transfer to Penn Corp all of York's holdings of capital stock of Penn-Western consisting of 120 shares of such capital stock, originally received as a donation from Penn Corp. The present service contract will be terminated on December 31, 1949, and it is contemplated that York and Penn-Western will enter into a new nine-month contract providing for the continuance of nonmanagerial and nonsupervisory services to be rendered to York upon request, principally in connection with York's program, now in progress, for effecting a change-over from mixed natural and manufactured gas to straight natural gas.

The filing states that within sixty days after the disposition by Penn Corp of its interest in York, all interlocking relationships in respect of officers and directors will be eliminated between York on the one hand and Penn-Western, or Penn Corp or any of its subsidiary companies, on the other hand.

The application-declaration having been filed on August 5, 1949 and an amendment thereto having been filed on September 1, 1949, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application-declaration, as amended, within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application-declaration, as amended, that the requirements of the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration, as amended, be granted and permitted to become effective forthwith, except with respect to (a) the proposals relating to the exercise and sale of subscription warrants, and (b) the use of the net proceeds of the proposed sale by Penn Corp of 4,506 shares of York's capital stock, as to which proposals a present determination appears to be premature:

It is ordered, Pursuant to Rule U-23, and the applicable provisions of said act, that said application-declaration, as amended, be and the same hereby is granted and permitted to become effective, forthwith, subject, however, to the terms and conditions prescribed in Rule U-24 and to the following additional terms and conditions:

(1) That the proposed sale of 4,506 shares of capital stock of York shall not be consummated until the results of the public invitation for proposals to purchase such stock have been made a matter of record in these proceedings and a further order shall have been entered by the Commission in the light of the record so completed, which order may contain such further terms and conditions as may be then deemed appropriate, jurisdiction being reserved for such purpose.

(2) That jurisdiction hereby is reserved with respect to (a) the exercise and sale of subscription warrants for York's additional capital stock, (b) the use of the net proceeds of the sale by Penn Corp of its present holdings of 4,506 shares of York's capital stock, and (c) the request of Penn Corp and York for findings, recitals and provisions pursuant to sections 371 (b), 371 (f), 1808 (f) of the Internal Revenue Code.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-7752; Filed, Sept. 26, 1949; 8:46 a. m.]

[File No. 70-2201]

WISCONSIN PUBLIC SERVICE CORP.

SUPPLEMENTAL ORDER RELEASING JURISDICTION AND PERMITTING APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 21st day of September 1949.

Wisconsin Public Service Corporation ("Wisconsin"), a public utility subsidiary of Standard Gas and Electric Company, a registered holding company, having filed an application-declaration and amendments thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-43 and U-50 promulgated thereunder, regarding, among other things, the issuance and sale, pursuant to the competitive bidding requirements of said Rule U-50, of $4,000,000 principal amount of First Mortgage Bonds, Series due September 1, 1979; and

The Commission, by order dated September 9, 1949, having granted and permitted to become effective said application-declaration subject, among other things, to the condition that the proposed sale of said bonds shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in these proceedings and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate; and

Wisconsin, on September 21, 1949, having filed a further amendment to its amended application setting forth the action taken by it to comply with the requirements of Rule U-50 and stating that pursuant to the invitation for competitive bids the following bids were received:

Bidder [1] or bidding group headed by—	Coupon rate (percent)	Price to company [1] (percent)	Cost of money to company (percent)
Kidder, Peabody & Co.[1]	2⅞	102.11	2.770970
Merrill Lynch, Pierce, Fenner & Beane	2⅞	102.0891	2.771988
Salomon Bros. & Hutzler [1]	2⅞	102.0779	2.772534
A. G. Becker & Co., Inc.	2⅞	101.7329	2.789358
Union Securities Corp.[1]	2⅞	101.66	2.792924
Halsey, Stuart & Co., Inc.[1]	2⅞	101.429	2.804242
Equitable Securities Corp.	2⅞	101.415	2.804930
The First Boston Corp.	2⅞	101.279	2.811608
Otis & Co.	2⅞	101.2569	2.812695
Harris, Hall & Co.	2⅞	101.226	2.814216
Carl M. Loeb, Rhoades & Co.	2⅞	101.129	2.818989

[1] Plus accrued interest from September 1, 1949, to the date of delivery of and payment for the bonds.

And Wisconsin having stated that it has accepted the bid of Kidder, Peabody & Co., and that the bonds are to be offered to the public at a price of 102.54% of the principal amount, plus accrued interest from September 1, 1949, resulting in an underwriters' spread of 0.43%; and

The proposed issuance of said bonds having been authorized by the Public Service Commission of the State of Wisconsin; and

This Commission having examined the said amendment herein filed on September 21, 1949, and having considered the record herein and finding no basis for imposing terms and conditions with respect to the price to be received for the bonds, the underwriters' spread or otherwise, and it appearing appropriate to the Commission that jurisdiction heretofore reserved to consider the results of the competitive bidding be released:

It is therefore ordered, That jurisdiction heretofore reserved to consider the results of the competitive bidding with respect to the sale of said bonds be, and hereby is, released and that said application-declaration, as amended, be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed by Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-7754; Filed, Sept. 26, 1949; 8:47 a. m.]

[File No. 70-2211]

GENERAL PUBLIC UTILITIES CORP. ET AL.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 20th day of September 1949.

In the matter of General Public Utilities Corporation, Associated Electric Company, Pennsylvania Electric Company; File No. 70-2211.

Notice is hereby given that a joint declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by General Public Utilities Corporation ("GPU"), a registered holding company, its subsidiary holding company, Associated Electric Company ("Aelec"), and Pennsylvania Electric Company ("Penelec"), a subsidiary of Aelec. Declarants have designated sections 6, 7, and 12 of the act and Rules U-42, U-43 and U-45 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than September 29, 1949, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after September 29, 1949 said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said joint declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

GPU proposes to acquire and cancel 107,000 shares of GPU common stock owned by Aelec at the net carrying value of such stock reflected on Aelec's books in the amount of $1,504,402.50 subject to being reduced by an amount equal to the net proceeds which Aelec anticipates receiving from its disposition of the rights to subscribe for common stock of Rochester Gas and Electric Corporation ("Rochester").

Out of the net proceeds of GPU's sale of common stock of Rochester (estimated at $24,000,000), GPU proposes to make a cash capital contribution to Aelec in an amount equal to the sum of $24,000,000 less the purchase price paid by GPU to Aelec for the 107,000 shares of GPU common stock.

Aelec proposes to use the cash contribution to be received from GPU, together with other funds to be obtained as described below, to redeem its outstanding $32,046,000 principal amount of 5% debentures due 1961 which are redeemable at 105% of principal plus accrued interest, or an aggregate call price (exclusive of accrued interest) of $33,648,300.

Aelec has made advances to Penelec in an aggregate amount of $4,190,000 each such advance being represented by a non-interest bearing note payable six months from the date of issuance, and Aelec proposes to make further similar advances to Penelec in an additional amount not in excess of $1,200,000. Penelec proposes to effect short-term bank borrowings in an aggregate amount not in excess of $7,000,000 and use the proceeds thereof in part to repay its then existing indebtedness to Aelec, in part to finance its construction program, and in part for its general corporate purposes; such short-term bank borrowings will mature in not more than six months and will bear interest at a rate not in excess of 2½% per annum. The specific interest rate to be paid by Penelec will be supplied by amendment. Aelec will apply the amounts thus repaid to it by Penelec toward the redemption of its outstanding debentures. The terms of Penelec's Loan Agreement dated May 31, 1946, with Union Trust Company of Pittsburgh and Mellon National Bank preclude Penelec from effecting the proposed short-term bank borrowings without obtaining the consent of the holder or holders of Penelec's notes outstanding thereunder and Penelec proposes to obtain such consent.

Aelec will obtain the balance of the funds necessary to effectuate the redemption or provision for the redemption of its outstanding debentures by borrowing not in excess of $4,000,000 from banks. Such borrowing will be represented by notes maturing in not more than one year and bearing interest at a rate not in excess of 3% per annum. The specific interest rate to be paid by Aelec will be supplied by amendment. It is intended that Aelec will repay said loan out of funds to be made available to it by GPU, said funds to be realized by GPU by the sale of its investment in Staten Island Edison Corporation or of shares of GPU common stock, if either of such sales is feasible.

Aelec has requested that the restriction on payment by Aelec of dividends on its common stock contained in the Commission's order of December 1, 1941, as modified by its order of March 11, 1949 (Holding Company Act Release No. 8924), be rescinded and terminated, effective upon the redemption or making provision for the redemption of Aelec's outstanding debentures.

GPU has requested that, in view of the fact that the funds to be utilized by GPU for the proposed cash capital contribution to Aelec and the purchase by GPU of the 107,000 shares of GPU common stock owned by Aelec will represent proceeds realized by GPU from the sales of shares of common stock of Rochester effected in compliance with orders of the Commission entered pursuant to section 11 (b) of the act, the order of the Commission herein conform to the requirements of sections 371-373, inclusive, and 1808 (f) of the Internal Revenue Code insofar as it concerns the use of said proceeds and the sale and purchase of said 107,000 shares of GPU common stock.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-7753; Filed, Sept. 26, 1949; 8:46 a. m.]

[File No. 70-2214]

ALLEGHENY COUNTY STEAM HEATING CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 21st day of September 1949.

Notice is hereby given that an application and amendments thereto have been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), by Allegheny County Steam Heating Company ("Allegheny"), a non-utility indirect subsidiary of Philadelphia Company, Standard Gas and Electric Company and Standard Power and Light Corporation, all registered holding companies. Applicant designates the first sentence of section 6 (b) of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than October 6, 1949, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request and the issues, if any, of fact or law raised by said application which he desires to controvert or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed to the Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after October 6, 1949, said application, as filed or as further amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application and amendments thereto which are in the office of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Allegheny requests authorization to increase temporarily the aggregate amount of outstanding notes and drafts, having a maturity of nine months or less, exclusive of days of grace, as to which Allegheny is primarily or secondarily liable, to an amount not in excess of $350,000. If such authority is granted, Allegheny proposes to issue a short-term unsecured promissory note to The Farmers Deposit National Bank of Pittsburgh in the principal amount of $110,000, to mature not more than nine months after the date of issue, but in no event later than April 15, 1950, and to bear interest at the rate of 2% per annum. The proceeds of such note will be applied to the cost of Allegheny's construction program. Allegheny states that at the time it issues

the $110,000 note it will have outstanding $240,000 principal amount of short-term notes, having a maturity of less than nine months, issued pursuant to the exemption contained in the first sentence of section 6 (b) of the act.

It is stated that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transaction

Applicant requests that the Commission's order herein be issued as soon as possible and that it become effective upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49–7757; Filed, Sept. 26, 1949; 8:47 a. m.]

[File No. 70–2225]

STANDARD POWER AND LIGHT CORP. AND STANDARD GAS AND ELECTRIC CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 21st day of September 1949.

Notice is hereby given that there has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act"), a joint application-declaration by Standard Power and Light Corporation ("Standard Power"), a registered holding company, and its subsidiary Standard Gas and Electric Company ("Standard Gas"), also a registered holding company. Applicants-declarants have designated sections 6 and 7 of the act and Rules U-23 and U-24 promulgated thereunder as applicable to the proposed transaction.

Notice is further given that any person may, not later than October 7, 1949, at 12:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application which he desires to controvert or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed to the Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time thereafter said application-declaration may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the office of the Commission, for a statement of the transaction therein proposed, which may be summarized as follows:

Standard Power is the holder of a 4% unsecured promissory note issued by Standard Gas in the principal amount of $983,930 and due October 10, 1949. Such note was issued pursuant to authorization of this Commission in File No. 70–1211 in lieu of the payment of cash by Standard Gas to Standard Power in retirement of the latter's holdings of certain notes and debentures of Standard Gas. Such authorization permitted the issuance of the note by Standard Gas "upon the condition that Standard Power and Light Corporation hold such note subject to the infirmities, if any, which presently inhere in its holdings of notes and debentures of Standard Gas and Electric Company and without prejudice to the right of the Commission to take such further action as may from time to time be appropriate under the applicable provisions of the Act and the Rules and Regulations thereunder". The nature or extent of the aforementioned infirmities, if any, not having been determined, applicants-declarants propose to maintain the status quo with respect to such note by extending its maturity date from October 10, 1949 to October 10, 1950.

Applicants-declarants estimate that the expense in connection with the proposed transaction will not exceed $1,200 which includes $1,000 for attorneys' fees.

Applicants-declarants request that the Commission's order be issued prior to October 10, 1949, and that it become effective forthwith upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49–7756; Filed, Sept. 26, 1949; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 13800]

OSCAR H. GEYER

In re: Estate of Oscar H. Geyer, deceased. File D 28–10854; E. T. sec. 15262.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Geyer and Marianne Knauer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Oscar H. Geyer, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Robert Geyer, Administrator with the will annexed, acting under the judicial supervision of the Probate Court of Cook County, Illinois,

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 12, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 49–7774; Filed, Sept. 26, 1949; 8:51 a. m.]

[Vesting Order 13802]

ROSE LUTHER

In re: Estate of Rose Luther, deceased. File No. D–28–11631; E. T. sec. 15847.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lina Luther Berendt (Behrendt), Hugo Luther, Frieda Luther Jacob, and Martha Luther Hoffmann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Rose Luther, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by John L. Dempsey, as public administrator, acting under the judicial supervision of the Probate Court of Cook County, Illinois;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used,

administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 12, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-7775; Filed, Sept. 26, 1949; 8:51 a. m.]

[Vesting Order 13824]

WILLIAM WAUER

In re: Personal property owned by William Wauer. F-28-29117-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That William Wauer, whose last known address is Berlin-Tempelhof Rumeyplan 39, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Personal property consisting of four (4) metallic sculptures created by William Wauer, and presently in the custody of the Attorney General of the United States, depicting various figures described as follows:

1. Skater.
2. Dancing Girl.
3. Fighter.
4. Dancing Couple.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 12, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-7776; Filed, Sept. 26, 1949; 8:51 a. m.]

[Vesting Order 13827]

CARL HEINRICH TILLMAN ET AL.

In re: Interest in oil, gas and other minerals in and under certain real property, and claims owned by Carl Heinrich Tillman, and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl Heinrich Tillman, Kurt Rohlwink, Erika Rohlwink, Lieschen Rohlwink, and Hans Rohlwink, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. An undivided nine-twentieths (9/20ths) interest in and to all of the oil, gas and other minerals in and under and that may be produced from those certain lands situated in the Counties of Kern and Kings, State of California, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with any and all claims for rents, refunds, royalties, benefits or other payments arising from the ownership of such interest,

b. That certain debt or other obligation owing to the persons named in subparagraph 1, hereof, by F. M. Hohwiesner, 444 California Street, San Francisco, California, arising from the collection of funds for and on their behalf, and any and all rights to demand, enforce and collect the same.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-b hereof.

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 19, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All that certain real property situated in the County of Kings, State of California, described as follows:

Section Thirty (30), Township Twenty-four (24) South, Range Eighteen (18) East.

Section Thirty-two (32), Township Twenty-four (24) South, Range Eighteen (18) East.

All that certain real property situated in the County of Kern, State of California, described as follows:

Section Four (4), Township Twenty-five (25) South, Range Eighteen (18) East.

Section Six (6), Township Twenty-five (25) South, Range Eighteen (18) East.

Section Eight (8), Township Twenty-five (25) South, Range Eighteen (18) East.

[F. R. Doc. 49-7777; Filed, Sept. 26, 1949; 8:51 a. m.]

[Return Order 419]

GIUSEPPE GIAMPICCOLO ET AL.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Giuseppe Giampiccolo, Claim No. 41353, Giovanna Giampiccolo, Francesca Giampiccolo, Rosario Giampiccolo and Rosa Giampiccolo, Claim No. 6737, all of Ragusa, Sicily; August 9, 1949 (14 F. R. 4918); $2,609.71 in the Treasury of the United States in equal shares to Giovanna, Francesca, Rosario and Rosa Giampiccolo. $1,304.85 in the Treasury of the United States to Giuseppe, Giovanna, Francesca, Rosario and Rosa Giampiccolo, with Giuseppe having a life interest therein and Giovanna, Francesca, Rosario and Rosa being entitled to the remainder in equal shares.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 19, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-7696; Filed, Sept. 22, 1949; 8:53 a. m.]

[Vesting Order CE 475]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN NEW YORK AND NEW MEXICO COURTS

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That as a result of such action or proceeding each of said persons obtained or was determined to have the property particularly described in Column 4 of said Exhibit A opposite such person's name;

4. That such property is in the possession or custody of, or under the control of, the person described in Column 5 of said Exhibit A opposite such property;

5. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 6 of said Exhibit A opposite such action or proceeding;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property in the possession or custody of, or under the control of, the persons described in Column 5 of said Exhibit A in amounts equal to the sums stated in Column 6 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in Rules of Procedure, Office of Alien Property (8 CFR, 501.15).

Executed at Washington, D. C., on September 19, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Property	Column 5 Depositary	Column 6 Sum vested
		Item 1			
Johanna Giese	Italy	Estate of Frederick Kreusler, deceased. In the Surrogate's Court of Westchester County, State of N. Y.	$5,000.00	Richard Kreusler, Mathilde Peerrot, and Walter Wettengel, Executors. Care of George S. Ludwig, Esq., 271 Madison Ave., New York 16, N. Y.	$38.00
		Item 2			
Ida Jacob	Belgium	Estate of Ernest Spitz, deceased. In the Probate Court of Bernalillo County, State of N. Mex. No. 5224.	3,929.62	Albuquerque National Trust and Savings Bank, Albuquerque, N. Mex.	14.00
		Item 3			
Lena Klebe	France	Same	15,718.50	Same	54.00

[F. R. Doc. 49-7779; Filed, Sept. 26, 1949; 8:51 a. m.]

[Return Order 420]

ETABLISSEMENTS & LABORATOIRES GEORGES TRUFFAUT S. A.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Etablissements & Laboratoires Georges Truffaut S. A., Versailles, France, Claim No. 32507; July 16, 1949 (14 F. R. 4031); Property described in Vesting Order No. 2645 (9 F. R. 352, Jan. 8, 1944), relating to United States Letters Patent Nos. 1,947,320 and 2,054,509. All interests and rights created in Etablissements et Laboratoires Georges Truffaut by virtue of an agreement dated March 2, 1938 (including all modifications thereof and supplements thereto, if any) by and between Etablissements et Laboratoires Georges Truffaut and Standard Chemical Products, Inc. (now known as Standard Agricultural Chemicals Inc.), relating, among other things, to United States Letters Patent Nos. 1,947,320 and 2,054,509 to the extent owned by claimant immediately prior to the vesting thereof by Vesting Order No. 2645; including royalties in the amount of $84,061.29. This return shall not be deemed to include the rights of any licensees under the above patents.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 19, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-7697; Filed, Sept. 22, 1949; 8:53 a. m.]

[Return Order 430]

CARSTEN FRIIS

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Carsten Friis, Spikergade 2, Tønder, Denmark, Claim No. 36611, August 9, 1949 (14 F. R. 4917); $2,724.90 in the Treasury of the United States. All right, title, interest, and claim of any kind or character whatsoever of Carsten Friis in and to a trust created by the will of Christina Louise Peterson, also known as Christina Louise Petersen, deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 19, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-7701; Filed, Sept. 22, 1949; 8:54 a. m.]

[Return Order 432]

KATHRYN M. WOLF

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Kathryn M. Wolf, as Executrix of the estate of Laura M. Lorenzen, deceased, P. O.

Box 1506, Las Vegas, New Mexico, Claim No. 10855; August 13, 1949 (14 F. R. 5035); $993.42 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 21, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-7780; Filed, Sept. 26, 1949; 8:51 a. m.]

[Return Order 433]

DANIEL SCHEUER ET AL.

Having considered the claims set forth below and having issued a determination allowing the claims, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimants, Claim No., Notice of Intention To Return Published, and Property

Daniel Scheuer, New York, New York, Claim No. 33583; August 12, 1949 (14 F. R. 5000); $542.43 in the Treasury of the United States.

Daniel Kahn, Schenectady, New York, Claim No. 33584; August 12, 1949 (14 F. R. 5000); $1,356.08 in the Treasury of the United States.

Emil Kahn, Poughkeepsie, New York, Claim No. 33585; August 12, 1949 (14 F. R. 5000); $1,356.08 in the Treasury of the United States.

All right, title and interest of Caroline Scheuer in and to the Estate of Regina Wolff, one-third thereof to Daniel Scheuer, one-third thereof to Daniel Kahn and one-third thereof to Emil Kahn. All right, title and interest of Mariane Kahn in and to the Estate of Regina Wolff, one-half thereof to Daniel Kahn and one-half thereof to Emil Kahn.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 19, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-7702; Filed, Sept. 22, 1949; 8:54 a. m.]

[Return Order 438]

GUNVALD ROSTE ET AL.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim Number, Notice of Intention To Return Published, and Property

(1) Gunvald Roste, a/k/a Gunval Roste (2) Bertha Michalsen, a/k/a Bertha Mikkelson (3) Beata Gjerdet, a/k/a Beata Jerdet (4) Petra Roste (5) Johan Roste (6) Olaf Roste (7) Ingeborg Svendsen, a/k/a Ingeborg Svenson (8) Emma Erichsen, a/k/a Emma Erickson (9) Alfred Smedhaugen (10) Emil Smedhaugen (11) Kristine Smedhaugen, a/k/a Christine Smedhaugen (12) Sofie Blomgren, a/k/a Sophia Blomgren; all of Norway; Claim No. 24634; August 13, 1949 (14 F. R. 5035); $1,508.64 in the Treasury of the United States returnable in equal shares of $125.72 to the claimants.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 20, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-7739; Filed, Sept. 23, 1949; 8:53 a. m.]

ANNA WAGNER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Anna Wagner, Highland Falls, New York, 31789; $1,834.62 in the Treasury of the United States.

Executed at Washington, D. C., on September 21, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-7782; Filed, Sept. 26, 1949; 8:52 a. m.]

SOCIETY FOR THE CARE OF GERMAN SEAMEN IN PORT OF NEW YORK

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Society for the Care of German Seamen in the Port of New York, Hoboken, New Jersey, Claim No. 2401; Two parcels of improved real property located in Hoboken, New Jersey, known as 60-64 Hudson Street and 63-65 Washington Street.

$5,124.65 in the Treasury of the United States.

Thirteen shares $5.00 par value common stock Willys Overland Company, in the possession of Custody and Clearance Section, Office of Alien Property, 120 Broadway, New York.

One eighteenth (1/18) participating interest in $100,000 Bond and Mortgage securing property at West 100th Street and Columbus Avenue, New York City, which matured on October 31, 1946.

Balance, after adjustments, remaining in a bank account maintained in the First National Bank of Jersey City, New Jersey, Hoboken Branch, entitled "Office of Alien Property, Department of Justice, Washington 25, D. C., for the account of Society for the Care of German Seamen in the Port of New York, Vesting Order No. 3632."

The following securities presently in custody of the Federal Reserve Bank of New York:

$100 Minneapolis, St. Paul & Sault Ste. Marie Railroad Co., Minnesota, 1st Mortgage Cumulative Income Bond No. 3256, 4½ percent Series A, due January 1, 1971, with coupon due May 1, 1950 and s. c. a.

$12.50 Minneapolis, St. Paul & Sault Ste. Marie Railroad Co., Minnesota, Scrip for 1st Mortgage Cumulative Income Bonds, No. 1037, 4½ percent Series A, due Jan. 1, 1971.

Two $100 Minneapolis, St. Paul & Sault Ste. Marie Railroad Co., Minnesota, General Mortgage Income Bonds, Nos. 4457 and 4458, 4 percent Series A, due January 1, 1991.

$81.25 Minneapolis, St. Paul & Sault Ste. Marie Railroad Co., Minnesota, Scrip for General Mortgage Income Bonds, No. 1065 for $6.25, No. 1035 for $25 and No. 1126 for $50, 4 percent Series A, due January 1, 1991.

Five shares Minneapolis, St. Paul & Sault Ste. Marie Railroad Co., Minnesota, no par value common stock, Certificate No. 813.

Minute Books, Volumes I and II and the corporate seal of Society for the Care of German Seamen in the Port of New York, in possession of the Real Estate & Liquidation Section, Operations Branch, Office of Alien Property, Washington, D. C.

All right, title and interest of the Attorney General by virtue of Vesting Order No. 3632 in and to all other property of any nature whatsoever situated in the United States, owned or controlled by, payable or deliverable to or held on behalf of or on account of, or owing to the Society for the Care of German Seamen in the Port of New York.

Executed at Washington, D. C., on September 21, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-7783; Filed, Sept. 26, 1949; 8:52 a. m.]